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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined third, fourth and fifth periodic reports of States parties

Mauritius*

* The present report is being issued without formal editing.
For the combined initial and second periodic report submitted by the Government of Mauritius, see CEDAW/C/MAR/1-2, which was considered by the Committee at its fourteenth session.

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United Nations Convention on the Elimination of All Forms of Discrimination against Women

REPUBLIC OF MAURITIUS — Third, Fourth and Fifth Periodic Report 2004

Committee on the Elimination of Discrimination against Women

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PREFACE

Mauritius acceded to the CEDAW in 1984 and the Initial and Second Periodic Report was submitted in 1992, at the 14th session of the Committee. The Government of Mauritius now presents its Third, Fourth and Fifth Periodic Reports which covers the period 1993 to 2003. It describes the policies pursued by the Government of Mauritius to implement the Convention on the Elimination of All Forms of Discrimination Against Women, as well as developments in Mauritian laws regarding women's rights, equality between men and women, and efforts to combat discrimination based on sex.

This document has been prepared by the MWRCDFW in consultation with all ministerial departments concerned with the issues addressed by the Convention on the Elimination of All Forms of Discrimination against Women. It was also submitted to Ministries, women NGO's and trade unions for their views and opinions. The report will consist of two parts:

Part I covers general background information about the island and the changes that have taken place from 1993 - 2003.

Part II presents the specific achievements in relation to the various Articles of the CEDAW (1-16).

The reporting exercise follows the structure of the articles of the CEDAW convention. Under each article a brief introductory note establishes points raised in the initial and second periodic report. The progress achieved is then outlined. Finaily, the difficulties encountered in the implementation of each article and issues to be addressed are highlighted.

The methodology used to collect data is as follows:

- Questionnaires have been sent to various Ministries, NGOs, and relevant institutions.
- Interviews have been carried out with officers of the MWRCDFW.
- Working sessions with officers from all Ministries and those from the MWRCDFW.
- A one-day workshop with officers from other Ministries, NGO's specializing in women issues and other women committed to the improvement of women's status in the Mauritian society.
- A half- day validation workshop of the draft CEDAW report with those who participated in the one- day workshop.
- All stakeholders were invited to forward their comments on the draft CEDAW report to the MWRCDFW.
- Comments received were incorporated in the final version of the present report.
- Reference has also been made to various publications and reports available in the country.

List of abbreviations:

AREU: Agricultural Research and Extension Unit

CNSF : Comité National du Sport Féminin

DCC : Day Care Centre

DVIU: Domestic Violence Intervention Unit

ECD : Early Childhood Development

EPZ: Export Processing Zone

FAO: Food and Agricultural Organisation

FCS: Family Counseling Service

GAD: Gender and Development

GDFCF: Gross Domestic Fixed Capital Formation

GDI: Gender Development Index

GDP: Gross Domestic Product

GEM: Gender Empowerment Index

GNP: Gross National Product

HBS: Household Budget Survey

HDI: Human Development Index

IEC: Information and Education Campaign

IFAD: International Fund for Agricultural Development

IVTB: Industrial and Vocational Training Board

MEF: Mauritius Employers Federation

MIE: Mauritius Institute of Education

MRC: Mauritius Research Council

MOH: Ministry of Health

MWCDFW: Ministry of Women Rights, Child Development and Family Welfare

NCCRD: National Curriculum Committee on Research and Development

NGAP: National Gender Action Plan

NGO: Non-Governmental Organisation

NHPA: National Handicraft Promotion Agency

NHRC: National Human Rights Commission

NPA: National Plan of Action

NWC: National Women's Council

NWEC: National Women Entrepreneurship Council

RDI: Relative Development Index

SADC: Southern African Development Community.

SME: Small and Medium Enterprises

SMIDO: Small and Medium Industries Development Organisation

TEC: Tertiary Education Commission

UNICEF: United Nations Children Fund

UNDP: United Nations Development Program

UOM: University of Mauritius

UTM: University of Technology, Mauritius

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PART I

OVERVIEW OF THE COUNTRY'S SITUATION AND THE MWRCDFW

1.1 Geo-politics

By Article 111(1) (a) of the Constitution of the Republic of Mauritius (1992 consolidate revision), the country includes "the islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargodos Caragos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius". The country was uninhabited until the eighteenth century. The French (1721-1810) settled in the island and in 1810 the British ended the French occupation. They established their rule until 1968 when the country became independent. On the 12th March 1992, Mauritius acceded to the status of a Republic. Since its independence Mauritius has joined a number of regional and international organizations: Indian Ocean Commission (IOC), Common Market for Eastern and Southern Africa (COMESA), Southern African Development Community (SADC), African Union (AU), Indian Ocean Rim Association for Regional Cooperation (IOR-ARC), Commonwealth, The 'Organisation Internationale de la Francophonie', United Nations, African Development Bank, World bank and International Monetary Fund (IMF).

1.2 The inhabitants

When the Dutch and the French occupied the island in the 16th and 17th century respectively, slaves were drawn from East Africa and Madagascar. With the abolition of slavery in 1835 following the anti-slavery movement in England, indentured labour from India was introduced in the country. In the early twentieth century the Census Commissioner comments on the composition of the population in these terms: "*The population of Mauritius consists mainly of Indian immigrants and their descendants which form at the present time about 70% of the total population; the remainder comprises a small number of Europeans and Chinese and a mixed race, principally of African descendants of the slave population originally imported for agricultural purposes.*"[1] The trend in the composition of the population has remained unchanged at the end of the twentieth century with a population consisting of Indo-Mauritians (68%), Creoles (27%), Sino-Mauritians (3%) and Franco-Mauritians (2%)

1.3 Demographic situation

The Mauritian population, as at July 2002, has reached approx. 1.2 m. The following table gives a brief description of the population distribution, according to age and sex.

Table 1 - mid-year estimated resident population by age, Republic of Mauritius, 1990 & 2002

	1990		2000		2002	
	Male	Female	Male	Female	Male	Female
Resident population ('000)	**529.1**	**529.7**	**592.0**	**593.9**	599.3	610.9
Under 15 yrs	159.3	155.8	154.7	150.2	156.0	151.7
15-59 yrs	330.6	325.1	392.1	383.6	395.3	396.2
60-64 yrs	14.8	16.1	14.9	17.6	15.4	17.7
65 yrs and over	23.9	32.7	30.2	42.4	26.0	45.3

Source: Economic & Social Indicators, 2002, CSO.

[1] Monique Dinan (2001), *Mauritius in the Making* p. 14.

Population demographics show an equitable distribution between sexes.

As at June 2002, the female Mauritian population stood at 610 939 representing 50.5% of the total population of 1 210 196.

1.4 Political situation

In March 1992 when Mauritius became a Republic, the most immediate result was that a Mauritian-born president became head of state, replacing Queen Elizabeth II. Under the amended constitution, political power remained with parliament. The Council of Ministers (cabinet), responsible for the direction and control of the government, consists of the Prime Minister (head of government), the leader of the majority party in the legislature, and about 20 ministries.

The unicameral National Assembly has up to 70 deputies. Sixty-two are elected by universal suffrage, and as many as eight "best losers" are chosen from the runners-up by the Electoral Supervisory Commission using a formula designed to give at least minimal representation to all ethnic communities and under-represented parties. Elections are scheduled at least every 5 years.

Mauritian law is an amalgam of French and British legal traditions. The Supreme Court, (a Chief Justice and five other Judges) is the highest Judicial Authority. There is an additional right of appeal to the Queen's Privy Council. Local government has ten administrative divisions, with municipal and town councils in urban areas and district and village councils in rural areas. The island of Rodrigues forms the country's 10th administrative division.

1.5 Socio-economic developments

In early 1970 Mauritius was essentially a monocrop economy based on sugar production with an agriculture's share of GDP greater than 20 per cent. As from 1971,Government launched a comprehensive adjustment programme aimed at fostering economic development through export-led industrialization, agricultural diversification and expansion of the tourist industry. The programme has yielded remarkable results, which were addressed as the 'Mauritian miracle'.

The Mauritian economy has grown at an average rate greater than 5 per cent per annum over the last two decades. The EPZ has grown to become the country's main foreign exchange earner with EPZ exports representing 82 per cent of total domestic exports in year 2000. Tourism which scarcely existed in 1970 has continued its upward trend. The government's development strategy centers on foreign investment. In year 2000 Mauritius has attracted more than 9,000 offshore entities, many aimed at commerce in India and South Africa. The government is also encouraging foreign investment in the information technology field. The figures provided in the following table show the contraction of the primary sector and the rapid expansion of the tertiary sector in the 1990's.

Table 2: Employed population by industrial sector and gender, Republic of Mauritius

	1990			2000		
Employment status	**Male**	**Female**	**Both sexes**	**Male**	**Female**	**Both sexes**
Primary[2]	50,800 (17.9%)	17,800 (14.4%)	68,600 (16.8%)	40,800 (13.1%)	13,700 (8.8%)	54,500 (11.7%)
Secondary[3]	113,100 (39.9%)	62,000 (50.0%)	175,100 (43.0%)	114,100 (36.7%)	67,300 (43.3%)	181,400 (38.9%)
Tertiary[4]	119,200 (42.0%)	43,900 (35.4%)	163,100 (40.0%)	155,500 (50.0%)	74,200 (47.7%)	229,700 (49.2%)
Not stated	500 (0.2%)	300 (0.2%)	800 (0.2%)	400 (0.2%)	300 (0.2%)	700 (0.2%)
Total	**283,600 (100.0%)**	**124,000 (100.0%)**	**407,600 (100.0%)**	**310,800 (100.0%)**	**155,500 (100.0%)**	**466,300 (100.0%)**

Source: CSO, 1990 and 2000 Population Censuses

[2] Agriculture, mining & quarrying.
[3] Electricity & water, manufacturing & construction.
[4] Trade, hotels & restaurants, transport & communication, financial services, community, social & personal services.

The tertiary services sector continued to grow in importance, accounting for 49% of employment in 2000 compared to 40% in 1990. The share of the primary sector (mainly agriculture) dropped from 17% in 1990 to 12% in 2000, while that of the secondary sector (mainly manufacturing and construction) decreased from 43% to 39%. The table below provides some National Accounts Figures.

Table 3: National Accounts Figures, 1990, 2000, 2002

	1990	2000	2002
1. Gross Domestic Product (GDP) at market prices	39,629	119,529	142,302
2. Gross National income at market prices	32,290	118,746	142,597
3. Per capita Gross National Income at market prices	37,109	100,025	117,801
4. Per capita Gross Domestic Product at market prices	37,429	100,685	117,557
5. Gross Domestic Fixed Capital Formation (GDFCF)	12,062	28,069	31,238
private sector	7,560	20,340	21,456
public sector	4,502	7,729	9,782

Source: National Accounts of Mauritius 2002 Vol. 20 MEDFSCA.

It can be seen that GDP and GNP figures have increased threefold over the past decade.

The process of globalisation and liberalization have increased the competition with other countries. The preferential exports market for sugar and textiles, mainly through the Lomé Convention Sugar Protocol (to be phased out in 2005) and the Multi-Fibre Agreement, are under constant pressure. The AGOA agreement has opened up the United States of America markets for exports up to 2008 and the Cotonou Agreement which replaces the LOME Convention give Mauritian products quota-free and duty free entry into the European markets. These new opportunities and developments in the financial services, particularly in the offshore sector, the freeport and IT (Cyber), are yet to be tapped to perpetuate a reasonable annual growth rate in the coming years.

The remarkable achievement of the annual growth has been reflected amongst others in increased life expectancy, lowered fertility rate, and a much-improved educational performance of students. Life expectancy at birth for men improved from 65.6 years in 1990 to 68.2 in 2000 while for women the improvement was from 73.4 to 75.3 years. In terms of fertility the average number of children born alive to an average woman decreased from 2.32 in 1990 to 2.01 in 2000. The literacy rate of the population aged 12 years and above improved from 80.8% in 1990 to 85.0% in 2000. For males, the rate improved from 85.6.% to 88.7% and for females from 76.1% to 81 5%. The educational performance of Mauritian students also improved at all levels (CPE, SC and HSC). The demographic statistics provided below show that the country is following the trend of industrialized countries that is a fall in the crude birth rate, crude marriage rate, infant mortality rate and a rising divorce rate.

Table 4: Demographic Statistics (1993-2003)

Rate	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Crude birth rate	20.3	19.6	18.3	18.3	17.4	16.8	17.3	17.0	16.4	16.5	16.2
Crude death rate	6.8	6.7	6.7	6.8	7.0	6.8	6.8	6.7	6.7	6.9	6.9
Crude marriage rate	21.1	20.5	18.9	18.9	19.0	18.8	19.2	18.5	17.7	17.3	17.4
Infant mortality rate	19.6	18.1	19.7	22.1	20.3	19.3	19.5	15.9	14.3	14.9	11.1
Divorce rate	1.4	1.4	1.3	1.4	1.6	1.7	2.0	2.0	2.5	2.1	N.A

Source: Digest of Demographic Statistics, Vols 13-16, CSO.

1.6 Background information on Rodrigues

Context

Rodrigues Island is the tenth administrative District of Mauritius. It is of volcanic origin, 18 Km by 8 Km, 104 km2 in size, and is 560 Km north-east of Mauritius with regular air-links. The population is scattered over the island with Port Mathurin being the dominant town and the administrative centre.

Demographic figures

Rodrigues had a population of 36,303 persons in year 2002 (17,981 males and 18,322 females) with a net migration of some 400-500 persons to Mauritius every year. The population has remained stable over the last 10 years in spite of a natural increase of around 2% annually.

Socio economic development

Given the small internal market, shortage of water and its location, Rodrigues has not witnessed any impressive economic growth despite many incentives to encourage the development of private sector initiated productive activities. The Rodriguan economy is mainly based on agriculture, livestock, fishing and handicraft. The fishing sector is dominated by traditional fishing in small boats within the inner lagoon. As the lagoon has

been silted and overexploited, catches are decreasing. There has been a constant drop of yields in the agricultural sector due to water scarcity, erratic climatic conditions and lack of good marketing policy. The manufacturing sector is limited to a few enterprises, like stone crushing, baking, metal work, wood work, garment making, shoe-making and small agro-industries. Production of handicraft provides a source of supplementary income to many families. Local materials such as vetiver, aloes, coral and coconut shells are used to manufacture handicraft products such as hats, bags, doormats, dolls and toys, fancy jewellery and coral structures for sale to tourists. However, given the poor level of development, there is little interlinkage effect between tourism and the local Rodriguans. Tourism is a fast growing and a promising sector both in terms of value added and employment generation. The introduction of ICT technology on the Rodrigues Island is in the initial stage.

The employment structure

The employment structure shows that Rodrigues is still an economy based on primary production with little manufacturing. The figures below show the employment structure in Rodrigues in year 2000:

1. Agriculture and fishing :34%
2. Central Administration: 24%
3. Trade, Restaurants and hotels: 12%
4. Manufacturing: 11%
5. Other social and community services: 7%
6. Transport, warehousing and communication: 5%
7. Electricity and construction: 5%
8. Financing, Insurance and Business services: 1%

(Source: Digest of Statistics for Rodrigues, CSO)

The labour force of the island is mainly constituted of manual agricultural workers and government employees.

The administration of Rodrigues: The Ministry for Rodrigues

The Ministry for Rodrigues, established in 1976, had its head-office in Port- Louis at the Ministry for Local Government while the Rodrigues administration was located in Port Mathurin. The main functions of the Rodrigues administration were as follows: (a) implementing policies and projects for the socio economic development of Rodrigues; (b) coordination of activities in the different sectors of the economy, (c) maintenance of law and order and (d) land tenure management. The Rodrigues Administration was headed by the Island Secretary and assisted by a Deputy Island Secretary. The main administrative divisions were Public infrastructure, Agricultural Services, Health services and Education Division.

Since 2000, the Government of Mauritius has decided to give more autonomy to Rodrigues through enactment of a new legislation. The Rodrigues Regional Assembly has been set up following the holding of elections in September 2002. The country is entitled to elect representatives to a Regional Assembly. One of those elected representatives is the Chief Commissioner who, along with the other commissioners, is responsible for the

administration of the island. At the same time, Rodrigues is also entitled to elect two members to sit in the National Assembly of the Republic of Mauritius.

The Regional Assembly shall be a body corporate and the exercise of its functions shall be regarded as done on behalf of the Government of the Republic of Mauritius. A commissioner for women affairs has been appointed by the Rodrigues Regional Assembly. In Rodrigues, the Non- Governmental Organisations play an active role in the socio-economic development of the island. The Rodrigues Council of Social Services (RCSS), the major NGO, in fact represents the 62 village Committees elected by the villagers.

Women activities in Rodrigues

The places where women activities are organised amongst others are la Croisée Youth Counselling Centre, Health services, Youth Services, Women Centre, and branches of Action Familiale. (There are three Youth Centres in Rodrigues.) The two Women Centres carry out their activities at La Ferme and Mt Lubin respectively. The activities organised include training in Home Economics, Hygiene and Nutrition. The Women Centre also participates in the UNFPA project by carrying surveys and leadership training to women.

Action Familiale (AF), an NGO engaged in FLE, collaborate in the devising of a basic and focused guideline on SRH of young people and underserved groups and in the design of guides and training manuals for specific groups (Form III students and for CPE students, for youths in non-educational institutions and for youths not attending any educational or non-educational institutions). It also collaborates in the training of trainers, secondary school teachers and peer educators and the refresher courses.

1.7 The Ministry of Women Rights, Child Development and Family Welfare

Women activities are mainly organized and coordinated by the MWRCDFW.

The Ministry for Women's Rights and Family Affairs was created in 1982. In July 1984 with the merging of the Social Welfare Division of the Ministry of Social Security, its appellation changed to Ministry for Women's Rights and Family Welfare. In October 1991, the Ministry was given additional responsibilities relating to the development of children and was re-styled Ministry of Women's Rights, Child Development and Family Welfare. In December 1995, the Ministry changed its name to become the Ministry of Women, Family Welfare and Child Development. In July 1997 the Social Welfare Division and the Sugar Industry Labour Welfare Fund were removed from the Ministry and merged with the Ministry of Social Security and National Solidarity. In September 2000, the Ministry was re-named as the Ministry of Women's Rights, Child Development and Family Welfare.

The main objectives of the Ministry are:

- To promote and defend women's rights as human rights, work for the elimination of all forms of discrimination against women and ensure that legal measures are taken to promote equality between men and women.
- To implement gender-sensitive macroeconomic policies and strategies, including those related to poverty alleviation.
- To promote the development and welfare of children from the very tender age in accordance with the Convention on the Rights of the Child and to promote Family Welfare.

The annual and development budgets of the Ministry are provided in the following table.

Table 5: Budgetary Central Government Expenditure (Rs Million)

Year Ending June 30	Total Budgetary Central Government			Ministry of Women's Rights, Child Development and Family Welfare			
	Recurrent	Capital Project	Total	Recurrent	Capital Project	Total	% *
1999	24743.5	3462.6	28206.1	55.1	3.6	58.7	0.208
2000	25434.9	3717.9	29152.8	66.7	11.8	78.5	0.269
2001	31398.3	4352.0	35750.3	82.3	10.2	92.5	0.258
2002	29577.0	5772.7	35349.7	88.0	5.6	93.6	0.264
2003 (Revised Estimates)	33500.0	8970.0	42470.0	97.5	2.9	100.4	0.236
2004 (Budget Estimates)	36750.0	9100.0	45850.0	102.6	20.0	122.6	0.267

Source: Financial Reports of the Accountant General.

* % = Total Budget of MWRCDFW X 100
Total Budget Central Government

From the table it can be observed that the percentage of funds allocated to the MWRCDFW has been fairly regular.

Structure and typology of the Ministry of Women's Rights, Child Development and Family Welfare.

The MWRCDFW has four units:

1. Women's Unit

The Women's Unit has been set up to serve as a focal point for women issues. It functions through a network of 12 women centres and about 1000 women's associations throughout the island. One of the main objectives of this unit is to strengthen gender mainstreaming, taking into account the reproductive, productive and social roles of women.These services range from training, informative, educational and communication on issues such as economic empowerment, environment, legal education, to home economics, weight management, leisure, sports and stress management. Training on dressmaking, home economics, hair dressing, floral arrangements, handicrafts, tailoring etc. are also provided at the Women Centres found in different parts of the island.

Home Economics Unit

The Home Economics Division is a sub section of the Women's Unit. It is responsible for the planning, organisation, implementation, monitoring and evaluation of the Home Economics Programme. The latter was initiated soon after independence with the collaboration of the FAO, WHO and UNICEF.

The programme was initially started in four social welfare centers as a pilot project. Given the great success of the pilot programme, Home Economics courses have been extended over the whole island. The training strategy of the home economics Division has been recently redefined and various types of training modules have now been devised with the assistance of various institutions (the Mauritius Institute of Education, the IVTB, the Ministry of Health and Quality of Life) in order to meet the evolving needs of the trainees.

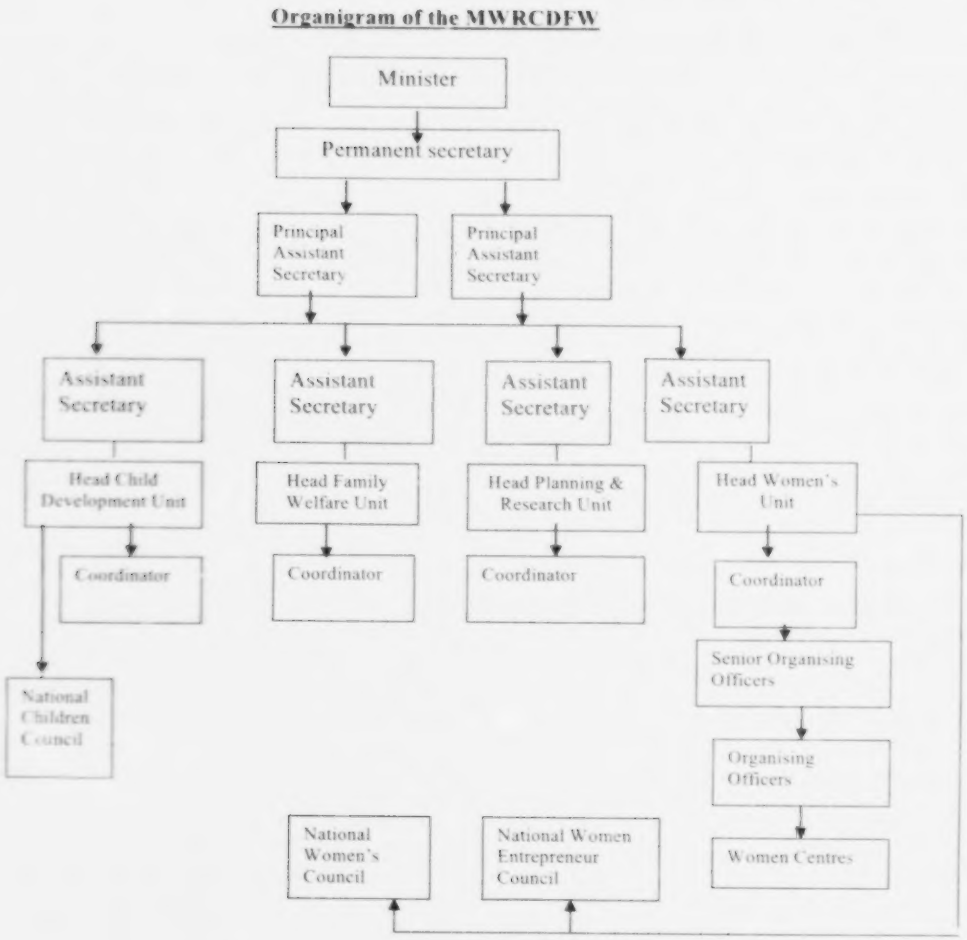

Figure 1: Structure of the organization of the various projects under the Ministry.

The diagram shows that the Ministry is divided in four units: the Child Development Unit, the Family Welfare Unit, the Planning and Research Unit and the Women's Unit. The head of each unit works in collaboration with two Permanent Assistant Secretaries and one Permanent Secretary. In terms of the functioning of the Ministry, the four units plan, implement, coordinate and monitor activities with three national councils and a number of women's organizations.

2. Family Welfare Unit

In line with one of the UN recommendations that states should set up appropriate mechanisms to implement policies and programme in favour of families, the ministry has set up a Family Welfare Unit since June 2003. It operates through 6 Regional Offices known as Family Support Bureau. The Unit offers services for all members of the family through the Family Counselling Service set up since 1986 to provide individual and mass counselling on all family related problems.

The Domestic Violence intervention Unit was set up soon after the Protection from Domestic Violence Act was introduced on 15th August 1997 to intervene rapidly in reported cases of domestic violence. Its functions have now been taken over by the Family Welfare Unit and are now referred to as the Family Support Bureau. The services offered relate to counseling in cases of domestic violence and child protection.

3. Child Development Unit

The Child Development Unit was set up in 1995 and has been decentralised in six different regions. The CDU has a mandate to enforce the Child Protection Act and to implement policies and Programmes for the development and protection of children. The CDU works closely with other agencies such as the police department. It provides a 24-hour service through hot lines to children at risk and free legal assistance and psychological counseling to children.

Early Childhood Development

The Ministry of Women's Rights, Child development and Family Welfare is also mandated to cater for children, with special attention to Early Childhood Development. The ECD sector is characterised by a two-tier approach: with infant care services (home and day care) for 0-3 age group and pre-schooling for those age 3-5 years. Activities of this Unit are in line with the provisions of the Child Protection Act, 1998 at the Institutions for Welfare and Protection of Children Regulations 2000.

Tardy Declaration of Birth

A campaign against Tardy Declaration of Birth was launched by the Ministry in December 2000 in Mauritius and Rodrigues with a view to identify undeclared children.

Foster Care System

A Foster Care System has been introduced on a pilot basis with a view to promoting the well being of children in need of protection and care. The system provides temporary shelter to children who may be ill-treated or exposed to various types of harm or who are victims of physical injury, sexual abuse or emotional and psychological violence.

4. Planning and Research Unit

The Planning and Research Unit was created to act as a co-ordination and support unit which provides technical back up to all the units and parastatal bodies operating under the Ministry in the designing of policies, programmes and projects. It is also responsible for

the preparation of short to medium and long term plans of action and reports in issues relating to women, family welfare, child development and community development.

5. Statistics

The Statistics section works under the supervision of the Planning and Research Unit. Its work consists of:

- Processing of monthly statistics returns on gender based domestic violence and child abuse cases registered at the Family Welfare Unit and Child Development Unit
- Processing of data on Home Economics courses run by the Ministry
- Processing of yearly returns relative to employment in the government service by occupation and sex
- Undertaking Ad hoc surveys

6. Documentation at the MWRCDFW

The Documentation Unit is involved in the collection and dissemination of information to all the staff of the Ministry at headquarters and outstations, to other Ministries and organisations and to bona fide research workers.

6. Para-statal Bodies attached with the MWRCDFW

The National Children's Council, the National Women Entrepreneurship Council and the National Women's Council are regulated by particular Acts voted at the National Assembly and operate under the aegis of the Ministry. These three councils provide the link between the Ministry and their respective members. Through these members the Ministry of Women's Rights, Child Development and Family Welfare is able to work with the grass-root level. While these councils can organize their activities as per their objectives set, yet the Ministry provides the logistical and coordinating support through the women centers, the community centers and other government owned facilities. In other words, in its implementing function particularly, the Ministry of Women's Rights, Child Development and Family Welfare works with the grass-root level via these councils. The projects executed by the units of the Ministry draw its target population in the networking with these councils.

6.1 The National Women Council (NWC).The National Women's Council is a corporate body which was set up by an Act of Parliament in November 1985 to promote the interests and advancement of women and women's organisations and to ensure that Government Policy and action meet the needs of women at grass-root level. Government has recently approved a setting of a team for a review of the NWC in May 2003. Following the recommendations of this team, The NWC Act will be reviewed.

The Council groups some 1000 women's associations over the island including Rodrigues. It acts as a platform for women's issues and functions through five Regional Committees namely:

- The Pamplemousses/Riviere du Rempart Regional Committee
- The Moka/Flacq Regional Committee
- The Grand Port/Savane Regional Committee

- The Port Louis/Plaines Wilhems/Black River Regional Committee
- The Rodrigues Regional Committee

The Objectives of the Council are:

- To establish and maintain effective communication with women and organisations of women;
- To ensure co-ordination of activities of groups of women and organisations;
- To assist in the implementation and evaluation of Government policies as they relate to the needs of women;
- At the request of the National Committee, to co-operate and if necessary affiliate with other bodies whether in Mauritius or outside having similar aims;
- To identify and recommend to the National Committee actions and projects that will promote the integration of women in development.

The Council works in close collaboration with the Women's Unit and the Family Unit of the Ministry.

6.2. **The National Children's Council** was set up on 1 July 1990 under the aegis of the Ministry of Women, Family Welfare and Child Development. It is a National co-ordinating body where both Governmental and Non-Governmental organisations work together for the welfare and protection of children, and is chaired by the Permanent Secretary of the parent Ministry. It is an advisory and a consultative body, which facilitates communication among all partners concerned.

The objectives of the council are:

- To co-ordinate the activities of organisations working towards the welfare of children.
- To identify actions and projects that will promote the welfare of children
- To establish contacts with organisations engaged in similar activities in Mauritius and abroad.
- To advise the Minister on measures to combat all forms of child abuse, neglect and exploitation of children.
- To promote the welfare of children, in general.

This Council has been working in close collaboration with the Child Development Unit in promoting the concern for the Girl Child.

6.3 **The National Women Entrepreneur Council, NWEC**, has been set up by the **NWEC Act** enacted on 20 August 1999. The Act provides that membership will be open to any association of women entrepreneurs or any woman entrepreneur. The mission statement is "To foster the development and growth of women entrepreneurs; provide the right framework, a conducive business environment and a package of incentives; enhance enterprise competitiveness and promote economic independence of women."

The objectives of the NWEC are to:

- Establish and maintain effective communication between the Council and women entrepreneur organisations.

- Ensure coordination of activities of women entrepreneurs associations
- Identify actions and projects
- Evaluate and assess the needs of women entrepreneurs
- Establish training programs to improve skills and management aptitudes of women entrepreneurs.
- Promote cooperation and research with respect to women entrepreneurship development
- Develop working links and affiliation with other bodies
- Study specific areas where the development of women entrepreneurship needs to be strengthened.

In the empowerment of women entrepreneurs, the Council works in close collaboration with the Women's Unit of the MWRCDFW.

The Women's organizations and other NGO's

The Ministry also secures the participation of NGO's. Below is a list of these NGO's:

1. Action Familiale
2. Association des Femmes Mauriciennes
3. Business & Professional Women of Mauritius
4. Federation des Travailleurs Unis
5. Soroptimist International IPSAE
6. Mauritius Family Planning Association
7. Association Mauricienne des Femmes Chefs d'Entreprise
8. Brahma Kumari World Spiritual Raja Yoga Centre
9. Mauritius National Women's League
10. Women's Bahai Association
11. Mauritius Alliance of Women
12. SOS Femmes
13. Centre de Formation EVA
14. Muslim Youth Federation
15. Women's Self-Help Association
16. Federation des Syndicats des Corps Constitués
17. Jagriti Handicraft Cooperative Society
18. National Federation of Young Farmers Women's Unit
19. Women's Committee of Socilist Working Youth League
20. Women's International Association
21. Mouvement Liberasyon Fam
22. Women's Association for the Promotion of Chinese Culture
23. SMF Wife's Club
24. Association Maison D'Entraide "Women's Handicapped"

PART II

SPECIFIC MEASURES FOR THE APPLICATION OF THE PROVISIONS OF THE ARTICLES OF THE CONVENTION

Article 1: Definition of Discrimination Against Women

The initial and second periodic report (1992) highlighted the following points:

1. With respect to fundamental rights and freedoms, all Mauritian citizens are equal before the law. However, in the definition of discrimination under Section 16 of the Constitution 'sex' was not included in the list of items regarding the concept of discrimination.

2. Government had already started to amend laws, which were discriminatory and had set up committees to work on the implementation of the provisions of the CEDAW Conventions.

A review of laws concerning discrimination show that (1) Section 3 of the Mauritian Constitution has been amended to include 'sex' in the definition of discrimination, (2) the Domestic Violence Act 1997 has been enacted and includes gender based violence in the definition of discrimination and (3) the Sex Discrimination Act 2002 now protects women from discrimination on the basis of their gender. These three amendments regarding discrimination are described below:

1. The Constitution

Section 3 of the Mauritian **Constitution**, stipulating the "fundamental rights and freedom of the individual", provides that

> "... in Mauritius, there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex... each and all of the following Human Rights and Fundamental Freedom -
>
> (a) The right of the individual to life, liberty, security of the person and the protection of the law
>
> (b) Freedom of conscience, of expression, of assembly and association and freedom to establish schools; and
>
> (c) The right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation."

Section 16 of the **Constitution**, which deals with "Protection from Discrimination" states, under **Subsection (1)**, that

> "... no law shall make any provision that is discriminatory either of itself or in its effect".

Under **Subsection (3)**, "discriminatory" means

> "...affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinion, colour, creed or sex."

It should be noted that the process of amendment of the Constitution to add a guarantee of non-discrimination in terms of gender, has started since 1995 when reference to "sex" in the definition of discriminatory practices had been included.

2. The Protection from Domestic Violence Act (1997)

The legal definition of discrimination does not include gender-based violence against women. Rather, gender-based violence has been given special attention in Mauritius when the **"Protection from Domestic Violence Act"** was enacted in 1997. This Act is gender-neutral as domestic violence can be perpetrated against either spouse, although more often than not, the victim is a woman. Furthermore, the Act is limited to the protection of spouses only, and does not include violence perpetrated by members other than spouses.

Under **Subsection (2)**, "Domestic violence" according to the Protection from Domestic Violence Act: includes any act committed by a person against his spouse or a child of his spouse -

(a) wilfully causing or attempting to cause physical injury;

(b) wilfully or knowingly placing or attempting to place the spouse in fear of physical injury to himself or to one of his children;

(c) intimidation, harassment, ill-treatment, brutality or cruelty;

(d) compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse has a right to abstain;

(e) confining or detaining the spouse against his will;

(f) harming a child or a spouse;

(g) causing or attempting to cause damage to the spouse's property

Gender-based violence which, according to General recommendation No. 19 adopted by the CEDAW (Eleventh session, 1992), includes "acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty", is therefore included in the **Protection from Domestic Violence Act (1997)**, despite the gender-neutrality of the Act. However, it seems that Specific rights (f) and (g) of general international law or human rights convention have not really been adhered to, in the 1997's Act. These rights are

- The right to equality within the family
- The right to the highest standard attainable of physical and mental health.

The Act affords protection to "spouse" meaning either of a man and a woman who:

(a) are or have been civilly or religiously married to each other;

(b) are living or have lived together as husband and wife; and

(c) whether they have ever lived together or not, are the parent of a common child;

Therefore, the Act only applies to couples who are married either religiously or civilly. (Please refer also to Page 75)

The Act provides for the issue of:

- **Protection order**, which has the effect of restraining the a spouse from engaging in any conduct which may constitute an act of domestic violence

- **Occupation order**, which grant exclusive right to the victim of domestic violence to live in the residence belonging to the aggrieved spouse, the respondent spouse or both of them

- **Tenancy order**, which has the effect of vesting in the aggrieved spouse the tenancy of the residence.

The Protection from Domestic Violence Act is presently being amended in line with the recommendation of the task force (2001) so as to protect other members of the family. Annex C presents the major findings of a study on Domestic Violence carried out by the MWRCDFW in 1998.

3. The Sex Discrimination Act (2002)

The "**Sex Discrimination Act (2002)**" protects women from discrimination on the basis of their gender.

According to **Section 4(1)** of the Act,

> "...A person discriminates against another person if the first-mentioned person makes, on any of the grounds specified in subsection (2), any distinction, exclusion or preference, the intent of the effect of which is to nullify or impair equality of opportunity or treatment or employment."

Subsection (2) of the said Section of the Act details the grounds referred to in subsection (1), consisting of

(a) Sex, marital status, pregnancy or family responsibility; or

(b) A characteristic that generally appertains, or is imputed, to a person of the same sex or marital status as that other person, or to a person who is pregnant or has family responsibility.

Under **section 4(3)** of the **Sex Discrimination Act (2002)**,

> "Any act or omission or any practice or policy that directly or indirectly results in discrimination against a person on a ground referred to in subsection (2), is an act of discrimination regardless of whether the person is responsible for the act or omission or the practice or policy, intended to discriminate and shall constitute an offence."

The definition covers practices which although not intending to discriminate, are discriminatory in effect and not reasonable or justifiable.

Constraints to equality:

The requirements of Article 1 relating to the definition of discrimination against women, have been catered for in the Mauritian context. However, the definition of domestic violence is limited to the spousal abuse only and neglects other forms of violence perpetrated by member other than spouse, such as in mother-in-law/daughter-in-law relationship, among others. The Ministry of MWRCDFW is presently working to make necessary amendment to the definition of domestic violence.

Article 2: Obligations to Eliminate Discrimination

Under Article 2, the initial and second periodic report lists the measures undertaken to eliminate discrimination. The report also identified a number of constraints in the process of eliminating discrimination against women: legislative protection is not sufficient by itself to promote equality between men and women, difficulties to reconcile professional, family and domestic responsibilities, the lack of support and encouragement for women to participate in their political arena. A review of measures taken by the Government to eliminate discrimination are described below in parts (a) to (e).

State parties

a) **Undertake to embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means the practical realisation of this principle.**

As emphasised in the response to Article 1 above, the Constitution guarantees fundamental rights and freedom (**Section 3**), and further protects all individuals, irrespective of race, caste, place of origin, political opinions, colour, creed or sex, from discrimination (**Section 16**).

However, **section 16(4)(c)** of the **Constitution** still contains certain exceptions to the application of Subsection (1), which defines discrimination.

Subsection 16(4)(c) stipulates that:

> *Subsection (1) shall not apply to any law so far as that law makes provision 'for the application, in the case of persons of any such description as is mentioned in Subsection (3) (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or any other like matters that is the personal law applicable to persons of that description.*

This subsection contains an exception to protection from discrimination that renders possible the existence of "personal laws", and where women married under personal laws are denied basic rights enjoyed by women under the civil marriage law. Any form of discrimination is thus made possible in laws concerning marriage, divorce, inheritance and other areas of "personal law", and such laws almost always affect women most. **Section 16(4)(c)** therefore allows discrimination (especially against women) within the law. It is worthy to note that members of the Human Rights Committee and a local Women's movement ("Muvman Liberasyon Fam") have pointed out that **Section 16(3)** and **Section 16(4)(c)** were not in keeping with the Articles of the Covenant, with respect to sex discrimination, as far back as 1989 and 1994 respectively. The task force set up in 2000 also pointed out that this part of the Constitution must be changed. Government has set up commissions to investigate on the appropriateness of personal laws and how to protect women.

b) **To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women**

The **Sex Discrimination Act**, enacted in 2002, gives effect to certain provisions of the CEDAW; it provides for the protection of individuals against discrimination based on sex, marital status and pregnancy in employment, education, provision of goods, services and facilities, accommodation, disposal of property, sports associations and clubs. The Act also provides for the elimination, as far as possible, of all forms of sexual harassment in the workplace, in educational institutions and in other areas of public activity.

Section 39 of the **Sex Discrimination Act 2002**, stipulating the offence of discrimination, provides that

> "Any person who contravenes this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years."

c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination

A National Human Rights Commission (1998) has been established under **Section 3** of the **Protection of Human Rights Act. Section 4** of the said Act lays down the functions of the National Human Rights Commission, which are to:

a) Enquire into any written complaint from any person alleging that any of his human rights have been, is being or is likely to be violated by the act or omission of any other person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public body;

b) Enquire in any other written complaint from any person against an act or omission of a member of the police force in relation to him, other than an act or omission which is the subject of an investigation by the Ombudsman;

c) Where it has reason to believe that an act or omission such as is referred to in paragraph (a) or (b) has occurred, is occurring or is likely to occur, of its own motion enquire into the matter;

d) Visit any police station, prison or other place of detention under the control of the Stateto study the living conditions of the inmates and the treatment afforded to them;

e) Review the safeguard provided by or under any enactment for the protection of human rights;

f) Review the factors or difficulties that inhibit the enjoyment of human rights;

g) Exercise such other functions as it may consider to be conducive to the promotion and protection of human rights.

Section 4(3) "stresses the Conciliatory nature of complaints resolution, in the first instance, and eventually the case is referred to the Director of Public Prosecution or for disciplinary action when the matter has not been resolved by conciliation".

Furthermore, under the **Sex Discrimination Act (2002)**, a Sex Discrimination Division has been established under **Section 22**, as part of the National Human Rights Commission, to investigate upon infringement of the Sex Discrimination Act. Under **Section 23(1)**, the functions of the Sex Discrimination Division are to:

(a) Receive and enquire into any written complaint relating to alleged infringements of this Act;

(b) Cause such enquiries to be made into a complaint in such manner as it thinks fit;

(c) Endeavour by conciliation to effect a settlement of the matters to which the alleged infringements relate;

(d) Make such recommendations, as it deems appropriate, to any relevant authority.

Under **Section 23(2)**, the Sex Discrimination Division shall also -

(a) promote understanding and acceptance of, and compliance, with this Act;

(b) undertake research and educational programs and other programs for the purpose of promoting the objects of this Act

(c) prepare and publish in such manner as the Sex Discrimination Division considers appropriate, guidelines for the avoidance of gender discrimination and sexual harassment.

The Resolution of Complaints by conciliation has been addressed under section 25 of the Sex Discrimination Act. As per **Section 25**, the Sex Discrimination Division:

a) May endeavour, by all such means as it seem reasonable, to resolve a complaint the subject matter of an enquiry by conciliation, and

b) Shall take all such steps as to it seem reasonable to effect an amicable settlement of a compliant the subject matter of an enquiry and for this purpose may adjourn an inquiry at any stage to enable the parties to negotiate with a view to settlement of the compliant by amicable arrangements.

c) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation

&

d) To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise.

A number of measures have been taken:

1. White paper (1995)

A White Paper on Women in Development (WID) was prepared in March 1995. It explicitly states Government's policy for the promotion of the status of women aimed at overcoming all obstacles and developing an overall policy framework for the empowerment of women in Mauritius. It sets out broad policy agendas for detailed strategies and action plan aiming at promoting the empowerment of women and implicitly eliminating all forms of discrimination against them. The production of the White Paper began in 1995 when a retrospective study on the evolution of the status of women was undertaken. Two national consultations were held in 1993 with other Ministries, NGOs, the private sector and personalities known for their interest in the advancement of women. The main highlights of this White-Paper bear on gender sensitisation, intensive training in gender analysis and gender planning for all those responsible for development planning, and gender training for the staff of the MWRCDFW to better equip them to understand the gender issue and programs aimed at the empowerment of women and at the eradication of discriminatory practices and attitudes towards women.

2. The National Gender Action Plan (NGAP) (2000)

The Government of Mauritius approved the National Gender Action Plan (NGAP), in December 1999, which is a follow-up of the priority concerns of Mauritius set out in the Beijing Platform for Action. These were:

- the integration of gender issues into the mainstream of Government and private sector activities.
- the development of a holistic approach to the health and welfare of women with special attention to the girl-child, women at work both at home and outside the home, and elderly women.

- the enactment of a **Protection from Domestic Violence Act** coupled with a national Information, Education and Communication (IEC) campaign.
- the pursuit of a policy to encourage girls to take up technical and non-traditional subjects so that they may engage in professions which have hitherto been considered as male domains exclusively.

The NGAP was formulated following extensive consultations with government Ministries, NGOs, the private sector and the civil society.

3. The Gender and Development (GAD) project (1999-2003)

In line with the NGAP, a Gender and Development (GAD) project has been implemented in order to enhance capacity for policy making, gender analysis and monitoring expertise to ensure gender mainstreaming. The project aims to promote gender equality and mainstreaming through capacity building and technical assistance. It will also facilitate the operationalisation of the engendering national budget mechanism. Specifically, the project has strengthened in-country gender analysis, policy making and monitoring expertise at the Ministry of Women's Rights, Child development and Family Welfare and enhance the national capacity to engender national budgeting mechanism and data collection and analysis.

The achievements in terms of the GAD project are:

- A "High-Level Committee on Gender Responsive Budgeting" and a Consultancy Team from the University of Mauritius have been established in January 2002 and November 2002 respectively, to implement the GAD project.
- An "Action Plan for Gender Responsive Budgeting" prepared by the High-Level Committee, in order to mainstream gender in the public spending and revenue exercise has been approved by government in November 2003 and the implementation will start in December 2003. The Action Plan consists of two phases. In phase I the budget of the MWRCDFW will be analysed and results will be used as a basis for the analysis of the budgets of those mainstream ministries identified as working in close collaboration with the MWRCDFW on its current projects In phase II the pilot project will be scaled up to cover the budget of all other ministries.
- A Time-Use Survey within the normal Multi Purpose Continuous Household Survey is being implemented by the Central Statistics Office and its report is expected in June 2004. This survey will enable compilation of vital statistics at national level on the issue of unpaid work carried out mainly by women within their households.
- In an attempt to build capacity at the Ministry of Women's Rights, Child Development and Family Welfare, some twenty officers of the Ministry have been trained in gender analysis and mainstreaming. The main themes raised during the training have been:

(i) Women and Development and Gender Equity

(ii) Tools for Gender Analysis

(iii) Measuring Gender inequalities

(iv) Gender Statistics

(v) Gender Mainstreaming

(vi) Gender Management System

The capacity-building of the MWRCDFW is geared towards "training of trainers", as the officers will eventually be led to sensitise grass-root people through workshops, talks and seminars on gender awareness and gender equality.

- The "Training-of-Trainers" approach will be extended beyond the MWRCDFW towards other sectors of the Mauritian economy. It is currently being initiated at the level of the Ministry of Education, in an attempt to raise awareness of educators generally of possibilities of sex stereotypes inherent in their attitudes and behaviour towards boys and girls. The training of the educators is aimed at gender equity in terms of the treatment imparted to the two sexes in the educational sector.
- Other potential sectors such as Health, policing and criminal justice are also being considered for such training.
- A Gender Focal Points (GFPs) system is currently being consolidated by the MWRCDFW. The GFPs are designated in each Ministry to coordinate gender related activities in their respective ministries and see to it that management is more gender sensitive in their decisions, policies and projects. The MWRCDFW has expressed its commitment to sustain capacity building in the GFPs in gender analysis and mainstreaming.
- A training kit has been produced to train NGO leaders in view to sensitise them on gender inequalities and gender mainstreaming. The training will be launched in June 2004.
- A Gender Information System has been set up to keep track of all activities held by the various units of the MWRCDFW and GFP's found in other ministries. This will enable the MWRCDFW to have updated information on its various activities and those of its stakeholders on gender issues. This database will also constitute a monitoring tool for the various projects and activities run by the MWRCDFW and other stakeholders working on gender projects.

f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women

In line with the Government's commitment to promote gender equality and reduce discrimination against women, the Optional Protocol to the CEDAW, which was adopted by the General Assembly of the UN in December 1999, was signed. Following this signature, a Task Force, consisting of Barristers-at-Law, psychologists, representatives of various Ministries and members of Parliament, had been set up in October 2000, to study discrimination in Mauritian laws, with respect to women's social position and status. The report of the Task Force has been presented in October 2001, specifying various areas of *de facto* and *de jure* discrimination, and proposing a Sex Discrimination Bill (which has already been translated into law) as well as legislative amendments to remedy the situation (excerpts of which have been reproduced in Annex A)

The process of amending existing laws in line with the recommendations of the Task Force Report has already started. Provisions for amending the Legal Aid Act and the Pensions Act has already been made with the Budget allocation of 2003. The amendment of

Sections 13(2) of the Civil Status Act 1981 recommended in the task force report has been considered and the following point has been made:

The compulsory presence of the parents at time of registration of a birth acts as a safeguard against malpractices, as, if names of parents who are not civilly married were to be recorded without their personal consent, cases of impersonation can occur.

The name of the biological mother on the "attestation of birth" cannot be relied upon as no verification of the identity of the mother is made by the hospital/private institution's authorities where the birth takes place.

Concerning the amendment to be made to Section 14(1) & (2),

Section 14 of the principal Act is amended by repealing sub-section (1) and replacing it by the following new sub-section: -

"(1) (a) The father or mother of the child shall declare the birth of a child whether the child is born in prison, an asylum , an orphanage or any other institution or quarantine area or station; or

(b) When the father is unknown and the mother has passed away the person in charge of the institution where the child is born shall be responsible for the declaration of the birth of the child."

With the amendments being brought to Section 14 (1) as above, it is considered that the observations made in respect of Section 14 (2) are justified and that this provision should no longer be applicable. However, the advice of the Solicitor-General has been sought as to whether the provision at section 14 (2) may be repealed.

g) To repeal all national penal provisions which constitute discrimination against women.

Penal provisions that might be discriminatory towards women have also been considered in the Task Force Report on the discriminatory implications of Mauritian laws. Penal provisions in Mauritius are not discriminatory towards women as such, although their effects might be prejudicial. For instance, the Civil Status Act has been highlighted as discriminatory since under Section 14(1) the mother is denied her right to declare her child when the child is born in a prison.

As mentioned above, these acts are in the process of being repealed, by the government.

Constraints to equality:

From the various initiatives mentioned above, it can be seen that the Government of Mauritius is fully committed to eliminate discrimination against women. Indeed, the various policy level initiatives adopted indicate that gender-based actions have already infiltrated the various Ministries (public sector organizations) and are now being gradually extended to the other spheres of life. Yet constraints to equality remain entrenched at the following levels:

The process of establishing a functional Gender Focal Point in each Ministry has encountered two major problems:

1. Each Ministry has its own load of activities such that high level officers have not been included in the GFP. This results in the non-inclusion of the GFP concerns in the policies of each Ministry.

2. Officers in the various GFP's have been very mobile within and between Ministries such that no proper follow-up of actions undertaken could be made. This hampers the efforts made by the MWRCDFW.

The NWC is having an ageing membership. In light of this the activities of the MWRCDFW tend to suffer as activities organized by the NWC tend to be limited. The MWRCDFW is presently reviewing the membership and the scope of activities of the NWC. Furthermore, there is a need to empower women organizations at grassroot level to enable them to function more efficiently and independently.

Article 3: The Development and Advancement of Women

In view of promoting the development and advancement of women, the initial and second periodic report points out that the Government of Mauritius has acceded to the Universal Declaration on Human Rights, has endorsed the forward-looking strategies emanating from the Nairobi Conference and a number of measures taken to implement programmes aimed at the advancement of women. The shortage of professional, technical and management staff for the promotion of equality between men and women was an area of concern. Since 1992, three important pieces of legislations have been enacted in the island. These are:

1. The Protection from Domestic Violence Act (1997).2. The Protection of Human Rights Act (1998). And 3. The Sex Discrimination Act (2002). Besides, a number of projects have been initiated to empower women. These projects are described below:

Projects and activities organized by the MWRCDFW

The MWRCDFW has been implementing various activities aimed at improving the conditions of women in Mauritius. In the reporting over education, employment and health related articles of the CEDAW at a later stage in this report we will provide a more comprehensive view of the progress achieved in the advancement of women. Here some of the ongoing activities run by the MWRCDFW and other stakeholders will be highlighted.

1. **Women economic empowerment**

- In order to increase the economic independence of women and encourage the development and growth of women entrepreneurs, priority has been given to capacity building and marketing. A website has also been launched in 2003 to promote the activities of the NWEC whose objective is to empower women entrepreneur. This project aims to bridge the information gap that exists between micro-and small enterprises and service providers by providing information in an organised way. Women tend to remain in the informal and micro sector due to lack of proper information. The web site gives information on how to develop a business plan, procedures to obtain a permit, sources of finance, possibilities for skills development to enhance the performance of entrepreneurs.
- Training for capacity-building of women entrepreneurs is provided by institutions such as the Industrial and Vocational Training Board (IVTB), the Small and Medium Industries Development Organisations (SMIDO), the Mauritius Employers Federation (MEF), the National Handicraft Promotion Agency (NHPA) and the National Women Entrepreneur Council (NWEC).
- In order to attract more young women towards entrepreneurship, the NWEC has introduced the "Young Enterpreneurship Development Scheme" since September 2002.

- Given the limited market reach faced by women entrepreneurs, the NWEC has adopted different marketing strategies to help women entrepreneurs market their products locally. While in 2001, sales outlets were limited mainly to Trade Fairs and Market Centres, in 2002, the number of shops and sales outlets has considerably increased. (Access to Craft Markets, hotels and shops).
- Apart from the festive sales organised throughout the whole year by the NWEC, many trade fairs have been organised both in rural and urban areas to help women sell their products.

2. Women empowerment at grass-root level in a wide range of areas

The NWC has a number of regional committees. Each regional committee of the NWC organises activities in its respective regions to empower women on various issues. The implementation is carried out jointly with the MWRCDFW.

Officers from the Women's Unit organize a number of activities in Women Centers, Community centers and in women's organisation on demands made by respective associations.

The following facilities are available in the Women Centres:

- The opportunity to participate in all national events celebrated by the Ministry
- Entrepreneurship development of prospective women entrepreneurs.
- Library services' Bibliobus facilities with documentations of particular interest to women (publications, statistics, survey reports on women)
- Exchange programmes between Women Centres (Joint visits, competition, dialogues...)
- Creativity activities for children during school holidays and weekends
- Recreational activities (excursions, randonées and educational tours)
- Sports Day organised annually both at regional and national levels
- IT facilities provided by National Computer Board through the Cyber Caravan moving to these women centres on a month-to-month basis.
- Free courses are also offered for a diverse target group
- Throughout the year sensitisation is carried out on different issues like legal rights, health issues, entrepreneur development, etc.

The Home Economics Unit which is a sub unit of the Women's Unit of the MWRCDFW undertakes the following activities:

(a) Training courses in the management of family resources, food and nutrition, maternal care and child development

(b) Weight management Clubs which train members in the management of obesity, genetics of obesity, dealing with common problems encountered in weight management amongst women.

(c) Sensitization Campaigns on pertinent issues to women empowerment including HIV/AIDS, Consumer Rights, Human Values etc and role of women's organisations, family life and courses offered by the MWRCDFW.

3. New Projects have been initiated by the Women's Unit

- Re-skilling of redundant workers from the EPZ sector
  This MWRCDFW is present at the level of a Coordinating Committee at the level of the Ministry of Skills Development & Training to work out recommendations to assist the EPZ laid-off workers. The MWRCDFW has carried out a Training Needs Assessment and has set up short term courses for the women who have lost their job. It is presently working on a Social Support Scheme to assist the women & re-orient them towards existing services like Social Aid, Training, Micro-Credit, etc.

- Skills Development for Female prisoners
  A steering committee comprised of prison officers, NGOs and the MWRCDFW has been set up at the level of the Female prison to work out a programme for the rehabilitation of female prisoners through skills development. Following a Needs Assessment made by an NGO, this ministry is offering training to female prisoners in the fields of Dressmaking, Flower Arrangement, Hairdressing & Beauty Care. Sensitisation on HIV/AIDS and other issues are regularly conducted by NGOs.

- Rehabilitation of Sex Workers through the HIV/AIDS strategic Plan 2000-2005.
  A sub-committee has been set up at the level of this ministry to work out a scheme for the referral of sex workers who want to be rehabilitated through micro-enterprise. A residential rehabilitation centre for female sex workers is in the pipeline with an NGO for substance abusers. The main objective is the rehabilitation of these women through learning other skills and thereby providing their children better schooling, prospects.

- The Setting up of Advisory Committees at the level of each Women Centre.
  The aim is to secure the involvement of women at community level to take part in the implementation of the projects of the ministry and re-orient the services to their needs.

The activities of the MWRCDFW are becoming more varied and derive from the demands made by women in various organisations who want to be sensitised on issues such as breast feeding, cancer, commercial exploitation of children and so on.

4. Capital infra-structural projects of the MWRCDFW:

Women are very often marginalized by the fact that they do not have enough access to education, information and existing services. The MWRCDFW is therefore committed to design and implement social policies and to provide social services aimed at promoting the welfare of women, family and children. In this context, new centres will be set up and existing ones are being upgraded to better respond to the needs of women in Mauritius. The following capital projects have been earmarked for the financial year 2003/04:

6.3.1.1 Multi Purpose Complex which will include an ECD resource centre, a market centre and a village artisanal for women entrepreneurs and a documentation centre.

2. Women Resource Centre & IT Training Centre

3. Other capital projects such as a creativity centre and a shelter for women.

5. Helping women to overcome poverty

The MWRCDFW runs various programmes to help women to overcome poverty.

The International Fund for Agricultural Development (IFAD) Loan - Rural Diversification programme micro-credit enterprise development programme.

The IFAD under the Rural Diversification Programme has made available to the Government of Mauritius a line of credit of Rs 24.7Million. There are two components in this project: (a). A Micro-Credit Programme and (b) The Community Development Programme.

(a) The Micro-Credit programme

It is based on a two-fold, socio-economic philosophy namely, Participation and Empowerment.

The programme is a model for poverty alleviation, addressing the poorest of the poor. It aims at bringing disadvantaged people within a particular organisational framework in which they can understand themselves and find some socio-political and economic strength through mutual support. The programme was officially launched on the 18th July 2001 up to now 17.5 million has been allocated to 554 projects. The same project has been extended to Rodrigues where 90% of the beneficiaries are women. There, the majority of poor and poorest households belong to the following socio-economic strata: the unemployed, small planters, landless rural labourers, fisherfolk, unskilled male and female labourers and female-headed households. Under the six years programme period (2000-2005), the target is to loan finance to up to 2200 micro enterprises.

(b) The Community Development Programme

The purpose of the programme is to improve the technical, managerial and organisational capacities and capabilities of the low income and vulnerable groups in excluded areas so as to enhance their social and economic livelihood. A base-line survey has been carried out in the context of the implementation process. Training has also been conducted in Mauritius and Rodrigues according to the Participatory Rural Appraisal- a method that encourages participation of the critical mass in decision-making.

Concurrently there are two other programmes run by the government of Mauritius to fight poverty and which also contribute to overcome poverty among women. They are the "Trust Fund for the social Integration of Vulnerable Groups" and the "Anou Dibout Ensam programme."

Constraints to equality:

The institutional measures adopted towards the development and advancement of women have been extensive and widespread, and essential for the empowerment of women. Indeed, as a result, women have become more independent, they can aspire to earn a living on their own and they have moved out of the four walls of the home. However, the initiatives have been oriented mainly towards a "Women in Development" or "Women in Empowerment" approach. The "Gender and Development" perspective has not been sufficiently promoted. It follows then, that the margin of difference between men and women still remains strong despite the considerable achievements towards the empowerment of women.

The courses run by the Home Economics Unit have not been reviewed over the past ten years. In year 2004, in order to come up with more appropriate courses for women the MWRCDFW will carry out an evaluation of the courses presently being offered in the Women Centres and following the results of this study will take appropriate steps.

Article 4: Acceleration of Equality between Men and Women

Special positive discriminatory programmes in the field of education, organization, training, adult education and protective legislation in the agricultural and manufacturing sector are described in the initial and second periodic report. Similar temporary measures have been increased under the Sex Discrimination Act.

The Sex Discrimination Act 2002 provides under Section 9:

Special measures intended to achieve equality

A person may take special measures for the purpose of achieving substantive equality between -

(a) men and women

(b) people of different marital status

(c) women who are pregnant.

Constraints to equality:

It follows that the legal parameters for the implementation of Affirmative Actions has been established with the Sex Discrimination Act 2002. Given the recent enactment of the Sex Discrimination Act however, no concrete Affirmative Action has been initiated so far. It can also be argued that there is a need to sensitise the Mauritian public on the importance of positive discrimination measures to be effectively adopted.

Article 5: Sex Roles and Stereotyping

The initial and second periodic report lists the specific measures taken by various stakeholders in the Mauritian economy to modify social and cultural values to eliminate discrimination. It was also noted that Mauritius being a multicultural society with many religious customs, favours a male dominated social system thereby reducing the impact of measures taken to eliminate discrimination. Furthermore, while economic development has increased potential opportunities for women at the same time women are more vulnerable as support for working women are inadequate. Given the patriarchal nature of the Mauritian society, a number of measures have been taken to modify the prevailing social and cultural pattern of conduct. These measures are described in sections (a) and (b).

a) Measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles of men and women.

Stereotypes in education

Males and females are still stereotyped in school books. Women are depicted as carrying out feminine activities such as household duties and men as possessing male-attributes, such as being the head of household. However, attempts at removing gender imbalances are under way. Curriculum writers have been made aware of the issue, and the Mauritius Institute of Education has already started to revise textbooks to eliminate any form of gender discrimination and sex stereotyping.

A study has been carried out by the MRC which shows that girls remain in traditional fields even when there is the opportunity of choosing technical and scientific subjects. A

Task Force has been set up at the level of MRC to look into recommendations how to make girls move into technical and science subjects.

Stereotypes in schools

As part of the GAD project mentioned under Article 2, a training has been initiated in the educational sector, towards the training-of-trainers at the level of the 5 directorates and the Private Secondary School Association (PSSA) of the Ministry of Education. This will eventually culminate in the massive sensitisation of education officers in an attempt to raise awareness of educators generally, of possibilities of sex stereotypes inherent in their attitudes and behaviour towards boys and girls.

Stereotypes in the media

A Media Watch Organisation has been created and has come up with a Gender and Media Baseline Study (Mauritius Report) in 2002. The study has highlighted instances and areas of gender disparity in the news-item (excerpts of which have been reproduced in Annex B) and provides the basis for a gender-sensitive training / awareness of media people. Gender sensitization campaign among MBC and other newspaper journalists has been carried out. The MWRCDFW in collaboration with Media Watch and the Association of Advertising Agencies is working on a Non-Sexist Advertisement Award to sensitise people from the Advertisement industry and students in this field against stereotyping and project a more positive image of women through advertisement. Two sexist advertisements have been banned by the Independent Broadcasting Authority (IBA).

Jobs' classification on the basis of gender - "men's work" and "women's work"

Some jobs in the public sector still have appellations, such as, postman and firemen, which give the impression that only men are eligible to fill the post. Statistics available seem to confirm the above, as no women (as at 2002) have filled the post of either postman or firemen (refer to Table 8 - Employment in Government services by occupation and sex).

The Ministry of Civil Service Affairs has been requested to review these appellations and the National Remuneration Board has also been asked to eliminate (with support from the ILO) all job classifications based on gender. Indeed, a few sectors such as sugar, salt, livestock, field-crop orchards and tea and baking still classify jobs on the basis of gender. Such a practice could have been positive if it had been aligned with the provisions of Section 6 of the Sex Discrimination Act stipulating the "Reasonableness Test", whereby the gender classification takes into consideration the specificities of women; however, the classification is inherently patriarchal in nature such that women are debarred from doing certain jobs essentially because of the stereotypical belief that women are too soft, fragile and weak.

Human Rights education

Mass counseling programmes are regularly conducted to educate women about their rights. These programmes are on-going in Women Centres but are also carried out on a national basis, through the national media (TV, radios and press) to better reach out at the whole women population.

Violent and sex-offensive films and magazines

A Board of Censors scans films and magazines and assess the viewer-type to manage sensibilities; violence and sex-offensiveness is one of their prime considerations and many films/magazines have been censored in line with the above-mentioned criteria.

Addressing the issue of sexual assault

A **Sexual Offences Act** has been passed in 2003 reinforcing the sanctions associated with sexual offences. When cases of sexual assault are reported, besides medical examination, victims are referred to the Family Protection Unit where appropriate structures exist for interviewing victims in privacy and to ensure sufficient emotional support in the light of the stress and trauma experienced by victims. Medical examinations and counseling services are also provided in specific wards at the Jeetoo and Victoria Hospitals. Sexual assault has been widely condemned in sensitization campaigns through posters, talks on radio and TV and in women centres. The services available at the MWRCDFW have been vulgarized to the public.

b) Measures to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Sex roles in the family

The reality as far as sex roles and responsibilities in the family are concerned, men are still considered as the main breadwinner and women's prime responsibility is still household chores. However, the system has evolved slightly towards a sharing of responsibilities. Some improvements have been introduced, such that it is not uncommon to find men helping women in the household activities, and women assisting men financially. Yet, in a way, gender 'responsibilities' are still very much stereotypical. Indeed, there is still a long way to go to actually reach a condition of joint conjugal roles, although the current achievement is more than encouraging.

Child care and custodial

Mauritius being a patriarchal society, the wife / mother still bears the burden of childcare. This is not to say that there is no involvement of husbands / fathers; but in most cases their involvement remains marginal or supplements the wives' / mothers' responsibility instead of actually replacing them.

In divorce cases, the mother is given custody because it is still believed that they can dispense more care and attention to the growing child than men.

Provision for family life education

Provision for Family life education has started since 2001. Education in Sexual and Reproductive Health is dispensed, under a UNFPA project, to primary and secondary school children as well as to underserved groups, and counseling is provided to young couples and children.

Violent behaviours against spouses

There is a "Man as Partners" programme that has been targeting men in the education campaign, so that change could permeate the society as a whole and is not restricted to those directly concerned with the problem.

The statistical profile of women

A Report on the Statistical Profile on Women in the Republic of Mauritius was published for the first time in June 1989, to mark the International Women's Day. The information compiled in this publication relates to comparative statistics on women and men, to

demographic and educational characteristics of women and to their activity status. Since then, updated versions of the Statistical Profile of Women have been regularly published, the most recent ones being in 2000 and 2003 respectively. Figures available provide a picture of gender disparities thereby facilitating the identification of areas of concern for women empowerment.

Constraints to equality

Attempts to modify the social and cultural patterns of conduct of men and women, with a view to achieve the elimination of traditional stereotyped roles of men and women have effectively started both in the society and in the family. Yet, the extent to which the measures have been able to reach out to society and the family have been differential. This results in patriarchal sex roles and stereotypes being more entrenched in the private than the public sphere. Thus, gender equality remains essentially at the level of the public image / status but is not really a conviction; worse, it may lead to status / role conflict – between equality considerations in wider society and widespread gender inequality in private spheres – whereby individuals abide by certain standards in the society and not in the family.

Article 6: Exploitation of Women

As mentioned in the initial and second periodic report, Mauritian law considers soliciting as illegal but does not pronounce prostitution as illegal (the content of section 253 of the Criminal Code and Section 26 of the Criminal Code Supplementary Code Act have been widely reproduced in the above mentioned report). According to the Mauritian laws, soliciting, as per Section 91A of the Criminal Code (Supplementary) Act, is illegal although prostitution is not explicitly pronounced as illegal. **Section 91A** of the **Criminal Code (Supplementary) Act** provides that

"Any person who solicits or importunes another person in a public place for an immoral purpose, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 12 months or to a fine not exceeding Rs. 5000".

Furthermore, it was mentioned that although hard data on prostitution are difficult to obtain, yet it is felt that prostitution is on the increase. In terms of measures to be taken, the report recommended the protection and rehabilitation of prostitutes.

A review of actions taken by the Government to eliminate the exploitation of women prostitutes show that two studies on sex workers have been carried out, laws have been enacted and specific measures with regards to child prostitution and adult sex workers have been implemented.

1. The first research on prostitution of a more qualitative nature (Study on Commercial Sexual Exploitation of Children in Mauritius and Rodrigues, 1998) aimed at understanding the mechanism of prostitution and its trajectories, as they exist in Mauritius and Rodrigues. The second research 'The commercial and sexual exploitation of children report (2002), provides figures on the extent of the problem. Most children engaged in prostitution are within 15-18 age group. Although the average age is 16, there are cases of children who start to be involved in prostitution as early as the age of 10 (CSEC Report, 2002). According to the estimates made by the CSEC study, there may be as many as 2600 children who are victims of CSEC in Mauritius and 3900 adult sex workers (18+ years).

2. Following the findings of the CSEC report a High Level Steering Committee has been set up. It is monitoring the implementation of a National Plan of Action (NPA)on the Protection of Children against Sexual Abuse including Sexual exploitation of Children in

Mauritius, in order to eliminate CSEC and to protect CSEC victims and ensure their recovery and integration in society. The NPA covers a 2-year period, starting February 2003, and its objective is to ensure the protection of children from any form of abuse as well as the creation of a conducive environment within the family and the civil society. Consequently, the NPA is based on the four components of the Agenda of Action Against CSEC adopted at Stockholm that is, a) Coordination and cooperation; b) Prevention: c) Protection; and d) Recovery and re-integration.

3. In terms of legislation the Government has enacted the Child Protection Act (1995)

The **Child Protection Act (1995)** protects children against prostitution.

Section 14 of the said Act relates to Sexual Offences against children and includes:

(1) Any person who causes, incites or allows any child -

(a) to be sexually abused by him or another person;

(b) to have access to a brothel;

(c) to engage in prostitution,

shall commit an offence.

Under **Subsection 2**, for the purpose of subsection (1)(a), a child shall be deemed to be sexually abused when he has taken part whether as a willing or unwilling participant or observer in any act which is sexual in nature for the purpose of -

(a) another person's gratification;

(b) any activity of pornographic, obscene or indecent nature;

(c) any other kind of exploitation by any person.

In view of protecting children, Mauritius has ratified a number of international conventions like Rights of the Child (1990), ILO Convention on Worst Form of Child Labour (Convention No. 182) and is a signatory to the Optional Protocol to the Convention of the Rights of the Child on sale of children, child prostitution and child pornography.

Furthermore, under **Section 19** of the **Juvenile Offenders Act**,

Any police officer may bring before a Juvenile Court any person apparently under the age of 18 who is –

(a) frequenting the company of any reputed thief, or common or reputed prostitute;

(b) lodging or residing in a house or part of a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the juvenile;

Recorded cases of child prostitution at the Child Development Unit of the Ministry of Women show the following trend:

Table 6: Number of cases registered by the Child Development Unit.

	1995	1996	1997	1998	1999	2000	2001
Child prostitution	NA	NA	20	22	12	11	16

NA: Not Available
Source: MWRCDFW

These cases show that child prostitution does exist in the country.

4. The law relating to violence against women, as emphasised earlier, is embodied in the "Protection from Domestic Violence Act" 1997. However, this Act, which is restricted only to violence committed by either spouse in the domestic sphere, does not apply to prostitutes. In fact, instances of violence against women outside the domestic sphere, as in the case of prostitutes for example, is treated as an assault, considered by **Section 230** and **231** of the **Criminal Code**, especially the **1998 Amendment** to the **Criminal Code Section 231**. In such a case the woman simply has to report the assault at a police station, give a declaration and statement, take a P.F 58 if she has sustained injuries and attend medical treatment. In the normal course of things, following the declaration and statement, a police enquiry must be conducted and the accused must be prosecuted. However, this criminal protection is no guarantee of the treatment the prostitute might receive from the police officer, especially if the matter concerns rape.

5. In terms of rehabilitation, the Government is promoting micro-credit facilities for prostitutes to start an income generating activity. Funds available under the IFAD and Trust Fund, Micro-Credit Programme have been given to 3 sex workers. Furthermore, given the strong link between drug addiction and prostitution, the MWRCDFW is collaborating with the "Centre de Solidarité" (a drug addict rehabilitation centre) to implement the Chrysalide project whose objective is to rehabilitate women drug addicts.

6. Other legislations related to prostitution

Monitoring of patterns of migration - sex tourism:

The Passport and Immigration Office is responsible for monitoring the pattern of immigration and emigration. The departure of Mauritians abroad is supervised and the movement of non-citizens travelling to and from Mauritius is controlled. Involvement in sex work is traced upon information mainly, and with the help of the local police.

In accordance to **Section 8 (1) (e)** of the **Immigration Act (1973)**.

"Prostitutes or persons living on the earnings of Prostitutes or persons reasonably suspected as coming to Mauritius for those or any other immoral purposes" are prohibited persons under the Act and they are not admitted into Mauritius. Under information, they are repatriated to their country of origin and they are deemed to be Prohibited Immigrants.

Labour agencies and Marriage Bureaux

There is no specific law regulating or prohibiting Employment Agencies or Marriage Bureaux from exploitation or prostitution of girls and women. A partial solution is provided by the prosecution of Employment Agencies and Marriage Bureaux engaged in trafficking, under **Section 251** of the **Penal Code** and the **Child Protection Act**.

Selling of sexual services by a third party

The selling of sexual offences by a third party is considered under **Section 90 Criminal Code (Supplementary) Act**, "Permitting premises of which one is in charged, to be used as a brothel".

- keep, manage or assist in the keeping
- permit premises to be used
- let premises with the knowledge that they are to be used as brothel

On conviction, the person is liable to a fine not exceeding Rs. 500 and to imprisonment for a term not exceeding one year.

The dependence of Mauritius on international tourism as a source of revenue is substantial. According the CSEC Report 2002, 28.8% of male tourists have actually been approached with the offer of a sex partner. This suggests a probable link between tourism, prostitution and by extension, CSEC because of the comprehensive nature of prostitution. In this respect, to combat the commercial sexual exploitation of children, the NPA has included actions to inform the tourists of the offence they are likely to commit should they be engaged in sex tourism.

Constraints to equality

Since prostitution is not legal, sanctions have focused on suppression and prevention of prostitution rather than protection of prostitutes from exploitation. In such circumstances, the proliferation of illegal prostitution victimises women by endangering their health. Indeed, the Commercial and Sexual Exploitation of Children (CSEC) Report (2002) points to a high proportion of prostitutes that do not protect themselves against HIV/AIDS, STD and pregnancy. Many pregnant prostitutes have recourse to abortion. 10% of prostitutes suffer from STDs. Only 14% of prostitutes declared that they used condoms with every client and more than 19% that they did not use condoms at all (CSEC Report, 2002).

The major constraint in relation to prostitution remains the negative connotation and social stigma associated with prostitution in Mauritius. As a result, the depth of the problem remains unknown and any attempt at dealing with prostitution is counteracted by the unwillingness (especially on behalf of clients) to be associated with the trade. This makes rehabilitation and attempts at controlling prostitution much more difficult to devise, implement and for follow-up.

Article 7: Political and Public Life

In the initial and second periodic report, it was pointed out that like men all Mauritian women of the age of eighteen and above have the right to vote and to be elected as a member of the Legislative Assembly. However, very few women stand as candidates as regard to the Legislative, Municipal and Village elections. In this respect, it was recommended that political parties should provide extra help and support to female candidates. A review of the status of women's participation in political and public life does not show any improvement.

a) Right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies:

Women have acquired the right to vote, since 1947, and this right is enshrined in **Section 44** of the **Constitution** of the Republic of Mauritius. Just like men therefore, Mauritian women of the age of 18 years and above have the right to vote and choose their representative in Parliament. Women are also eligible to stand as candidates for elected positions on the same terms as men.

For the last National Assembly Elections of 2000, out of a total of 534 candidates for the 21 constituencies, 39 were women, that is, 7.3%.

The number of women elected as members of the current National Assembly (from 2000 elections) is 4 out of 64.

Table 7: Elected members in Government, Republic of Mauritius

	1990		2000		2002	
	Male	Female	Male	Female	Male	Female
National Legislative Assembly						
Of whom to:	58	4	60	4		
The Cabinet	18	1	24	1		
Municipal Council	118	8	135	11		
Village Council	1,158	18	1,435	41		
Rodrigues Regional Assembly					15	1

Source: Electoral Commissioner's Office.

Women's representation in politics is low and the government has taken the commitment towards the SADC to increase this representation to 30% by 2005.

Factors that may prevent women's political participation:

According to the Task Force Report (Patten, 2001), factors that complicate women's entry in politics include:

- women's weak access to and integration into political institutions;
- the tailoring of many of these institutions according to male standards;
- the lack of media attention on women's contributions and potential, which also results in lack of constituency for women.

However, it is also important to note that Mauritius does not have a history of discrimination against or violation of human rights of women because of their political participation. This factor in itself is very positive and encouraging with respect to women's participation in elections.

b) Right to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government:

Like men, women have the same right to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.

The following table gives an indication of the number of women occupying public posts. Although a lot of disparity still exists in terms of the distribution of men and women, nevertheless the trend shows an increasing number of women in some top positions of the Mauritian public service.

Table 8: Employment in Government Services by occupation - Republic of Mauritius

	1997		2002	
	Male	Female	Male	Female
Total Government Services	**49,936**	**13,172**	**48,820**	**16,492**
Legislators, Senior Officials & managers	***1,470***	***506***	***1,534***	***689***
Of whom as: Permanent Secretary	21	2	19	9
Principal Assistant Secretary	33	13	36	24
Director, Manager, Commissioner, etc	116	19	125	72
Rector, Principal	32	14	52	28
Headteacher, deputy Headteacher	757	412	641	462
Professionals	***3,228***	***2,504***	***3,381***	***2,948***
Of whom as: Nursing Officer / midwife	1,119	1,640	1,078	1,604
Education Officer	674	479	892	919
Medical doctor	462	107	503	141
Analyst Programmer	16	17	13	15
Scientific Officer	26	6	29	9
Engineer	81	2	107	4
Pharmacist	3	3	12	6
Judge	6	3	6	4
Technicians and Associate Professionals	***8,219***	***4,518***	***8,708***	***5,333***
Of whom as: Teacher, senior teacher	2,382	2,084	1,902	2,181
Community Health Worker	38	214	33	176
Ward Assistant, Sister	63	50	427	444
Technical Officer, Technician	333	67	219	57
Customs Officer	509	36	544	50
Dispenser	173	30	169	38
Labour Inspector	25	19	32	22
Clerks	***3,439***	***3,573***	***2,757***	***4,169***
Of whom as: Clerical Officer, School Clerk	1,515	1,891	1,446	2,218
Typist, Wordprocessing operator	61	1,177	17	1,343
Telephonist	169	31	173	37
Postman	551	0	568	0
Service workers	***9,501***	***522***	***11,660***	***1,603***
Of whom as: Police Constable, Sergeants	7,923	430	9,557	909
Prison Guard / Officer	658	51	834	62
Firemen	499	0	613	0
Skilled Agricultural & Fisheries workers	***185***	***0***	***118***	***0***
Craft & Related Trade Workers	***4,195***	***14***	***3,388***	***14***
Plant and machine Operators	***1,650***	***0***	***2,012***	***20***
Elementary Occupations	***17,989***	***1,535***	***15,262***	***1,716***
Of whom as: Attendant, Hospital Servant etc	2,567	986	2,830	1,202
Labourer/Agricultural worker/Gardener	9,189	283	6,715	320
Caretaker (office, school, building)	835	44	739	73
Cleaner	208	22	279	22

Source: Survey on Employment in the Civil Service June 2002 (Ministry of women's rights, Child development and Family Welfare)

As at June 2002, some 48,800 men and 16,500 women were employed in the central and local government, that is, 1 women for every 3 men. Among the "legislators, senior officials and managers", the ratio was around 1 woman for every 2 men (689 women and 1,534 men). Among the "professionals", the sex imbalance seems to be insignificant (3000

women against 3,400 men). However, this is largely due to the fact that the professional category covers nursing officers and midwives.

Table 9: Employment activity by industry and gender - Rodrigues

Activity	Number of employed		
	Male	Female	Both sexes
Agriculture and fishing	2,800	1,790	4,770
Mining and quarrying	90	-	90
Manufacturing	800	765	1,565
Electricity and construction	719	14	733
Wholesale, retail trade, restaurants & hotels	930	695	1,625
Transport, storage and communication	700	10	710
Financing, insurance, real estate & business services	95	35	130
Community, social and personal services	3,155	1,065	4,220
Government – Central Administration	2,782	476	3,258
Other	373	589	962
Total	9,289	4,554	13,843

Source: ***Digest of Statistics on Rodrigues, 2000. Central Statistics Office, Ministry of Economic Development, Financial Services & Corporate Affairs***

In Rodrigues, the pattern of work reflects a traditional division of occupation in the labour market with a very high percentage of men employed in the Government-Central Administration.

c) Right to participate in non-government organisations and associations concerned with the public and political life of a country:

Women's involvement in trade unions:

Women have the right and are even encouraged to participate in trade unions. In addition, Unions do have a woman's branch to cater for the specific requirements of women employees.

Measures introduced to encourage their participation have revolved around mass sensitisation and awareness campaigns. Indeed, seminars, education and information programmes have been produced to raise their awareness of their rights and responsibilities, in terms of their involvement in trade unions.

Involvement of Women's Organisations in policy-making:

The involvement of women's organisations in policy-making as well, has been quite marginal, although mechanisms have been established to that purpose. It is therefore not clear whether lack of participation is due to the fact that opportunities to be involved are not well exploited or to lack of knowledge about these opportunities.

Constraints to equality:

Women's right to participate in the political and public life has been paved by appropriate legislative provisions. However, the triple burden of the emancipated women makes her

involvement in the political and public life difficult, especially when such involvement requires lots of investment in terms of time and effort. Thus, the opportunities are there, but women are being denied access because of societal and structural constraints.

Article 8: International Representation and Participation

As pointed out in the initial and second periodic report, legislative provision does not forbid nor restrict women from participating in the work of international organizations or to represent the country in international and regional conferences, seminars and other forums held overseas or locally. It follows therefore, that women have equal rights and opportunities to represent the government internationally. It was also noted that it is in the private sector that relatively few women have had the opportunity to represent the country. A review of the current situation shows that women are poorly represented in institutional instances at international level.

Statistics of women's actual representation:

In international instances:

Table 10: Women's representation in international instances as at 2003

	Percentage of Women
Ambassadors	12.5 %
Other representatives to foreign governments or international organizations	26.31 %

Source: Ministry of Foreign Affairs and Regional Cooperation

Although women do have the right to represent the government internationally, there is no equal representation of women and men to such posts. Indeed, only 26.31 women have been serving in missions abroad, while Mauritius counts only 12.5% of women ambassadors, as at 2003.

In foreign services:

Table 11: Percentage of women in foreign services, as at 2003

Posts	Percentage of women representation
Second secretaries	31.11 %
First secretaries	14.28 %
Attaches	50 %
Experts	40 %

Source: Ministry of Foreign Affairs and Regional Cooperation

The number of women employed as first secretaries abroad, has been rather discriminatory (14.28% of women only). However, the percentage of women representatives to other posts in the foreign services, such as experts in the field of foreign affairs and regional cooperation (40%) among others, is quite encouraging although still discrepant.

By international organizations:

Only 10% of women (as opposed to 90% of men) have been employed by international organizations, more specifically in areas of international trade ACP matters and promoting human rights.

Constraints to equality

Although the statistics show differential position of women with respect to men in international positions, nevertheless there has been no instance where women have been denied the right to such posts. Female staffs are nominated to form part of official delegations for overseas international conferences without prejudice.

Therefore, opportunities are there; yet, women are not taking maximum advantage of such opportunities. The traditional patriarchal norms that associate women with the family, or rather, that accords the women prime responsibility in matters of the family still restrict women from participation in activities beyond their homes and this is the major reason behind the low level of participation of women on international fronts.

Article 9: Nationality

The legal provisions concerning the issue of nationality have been spelt out in the initial and second periodic report. A review of these provisions shows that discriminatory aspects which were present in the law have been amended.

Rights to acquire, change or retain nationality

According to **Section 21** and **24** of the 1968 Constitution, the foreign wife of a Mauritian husband could be registered as a citizen of Mauritius, while the Mauritian woman's foreign husband could not. This discriminatory aspect of the Constitution has been amended in 1995, and the spousal right to Mauritian citizenship has been extended to both men and women. Thus, in law, the Constitution guarantees the same rights for married women as for men to acquire, change or retain their nationality.

Impact of marriage to a non-citizen

Marriage of a Mauritian woman to a non-citizen or a change in nationality of the husband does not result in the loss of Mauritian citizenship by the woman unless she herself changes her nationality. Further, the foreign husband can (if he wants to) apply for Mauritian citizenship, and the conferment of Mauritian citizenship is provided if the criteria under Section (7) of the Mauritius Citizenship Act are satisfied.

Children's nationality and the Weight of the mother's citizenship

According to **Section 20** and **23** of the 1968 Constitution, a person born outside Mauritius whose father was a citizen of Mauritius was entitled to Mauritian citizenship but a mother could not transmit the same citizenship rights to her child. This discrimination against women has been removed with an amendment to Section 20 and 23 in 1995 and, since then, the Constitution stipulates that a person born outside Mauritius whose father or mother was a citizen of Mauritius is entitled to Mauritian citizenship.

In addition, with amendments to the **Mauritius Citizenship Act** in **1993**, the Mauritian woman can confer citizenship to her children and her husband, such that the mother's citizenship carries equal weight with that of the father.

Residence permit and employment status.

According to **Immigration law (1982)**, the foreign spouse of a citizen of Mauritius may acquire the status of a resident. Further, **Deportation Act (1968)** does not apply to "any spouse of a citizen who has acquired the status of a resident shall belong to Mauritius."

According to the **Immigration Act (1973)**, under **section 5(1)**

> Any person, not being a citizen, shall have the status of a resident ... where

(c) He is the spouse of a Mauritian citizen

(d) He is a child, stepchild or lawfully adopted child, under the age of 18, of a person who has been afforded the status of a resident

Section 5A Persons who are permanent residents of Mauritius

(1) Subject to subsections (2) and (3) and section 6A, any person, not being a citizen, may, on application to the Minister under this Act, be granted the status of permanent resident where -

(a) he is an investor under the Permanent Resident Scheme prescribed under the Investment Promotion Act;

(b) he is the spouse of a person to whom paragraph (a) applies;

(c) he is the child, stepchild or lawfully adopted child under the age of 18 years, of a person to whom paragraph (a) or (b) applies;

Marriage between a non-Mauritian woman and a Mauritian citizen enables the foreigner (woman) to obtain a residence permit to live in Mauritius. The woman is not required to change her nationality and become a Mauritian citizen although she can (if she wants to) apply for the Mauritian nationality.

(5) Any person, being a professional for the purposes of the Scheme to Attract Professionals for Emerging Sectors prescribed under the Investment Promotion Act who is the holder of a work permit under the Non-Citizens (Employment Restriction) Act shall, at the expiry of the period of 3 years of his work permit, on application under this Act, be granted the status of permanent resident.

(6) The spouse and dependants of a professional to whom subsection (5) applies shall, on application under this Act, also be granted the status of permanent resident.

Obtaining a Passport and permission to travel

Mauritian laws guarantees the same rights for women as for men to acquire or travel on a passport. In fact, with the amendments made to marriage laws as early as in 1982, a woman can travel and even obtain a passport without the permission of her husband.

At the same time, **Section 15 of the Mauritius Citizenship Act** stipulated that a Mauritian child who also happened to be a national or citizen of another country had to renounce to one of the two nationalities when reaching the age of 21, has since then been amended. The Mauritian child is no longer required to do so and can retain both nationalities.

Constraints to equality

Amendments have been made to remove the discrimination against women 3 which existed in the constitution. However, Mauritian citizens need to be sensitized on their rights. Citizenship education, which has been introduced in the school curriculum with the educational reform (2002), might assist in this sensitization campaign.

Article 10: Education

The initial and second periodic report describes the structure of the educational system and provides data on enrolment at primary and secondary level. It was mentioned that the Government of Mauritius is conscious of the problems existing in the educational field and that measures would be taken to bring about educational improvement. A review of

measures taken, the performance rates of students and the educational opportunities available to boys and girls show that much has been achieved in terms of equality between men and women.

Measures to ensure, on a basis of equality between men and women:

a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training.

Equality of access

Education is freely provided at primary, secondary levels and tertiary level, and is mandatory until the age of 16. Indeed, the **Education Act** stipulates, under **Section 37(1)** that

"every child who has attained such age as may be prescribed for the admission to a primary school shall attend primary school".

In May 2001, the Government announced an Education Reform Plan that would increase mandatory education to the age of 16 by 2003.

Further the **Sex Discrimination Act 2002**, provides under **Section 14**, that

(1) "Subject to subsection 2, no institution shall discriminate.

(a) against a person on the ground of the person's sex, marital status or pregnancy

(i) By refusing, or failing to accept, the person's application for admission as a student; or

(ii) In the terms or conditions on which it is prepared to admit the person as a student; or

(b) against a student on the ground of the student's sex, marital status or pregnancy -

(i) Denying the student access, or limiting the student's access, to any benefit provided by the educational institution;

(ii) Expelling the student; or

(iii) Subjecting the student to any other detriment.

(1) An educational institution, other than a tertiary education institution, may refuse or fail to accept a person's application for admission as a student at an educational institution, where -

(a) The institution is only open to students of the opposite sex; or

(b) Education or training at the level at which the person is seeking education or training is provided by the institution only, or mainly, to students of the opposite sex."

The Mauritian government has ensured access to education for both sexes indiscriminately. In practice, enrolment rates for boys and girls in education have been most discrepant at post-secondary level, especially with respect to Pre-Vocational and Vocational training. The following table depicts the enrolment rates for boys and girls at various educational levels.

Table 12: Enrolment in pre-primary, primary, secondary, vocational and post-secondary education, Republic of Mauritius, 1990, 2000 & 2002

Enrolment ('000)	1990		2000		2002	
	Male	Female	Male	Female	Male	Female
Pre-Primary ('000)	10.9	10.5	19.7	19.6	18.7	18.2
Primary ('000)	69.6	67.9	68.7	66.5	67	65.4
Secondary ('000)	39.1	38.2	46.4	49.0	48	51.7
Post-Secondary Tertiary ('000)	1.462	0.75	4.422	3.38	7.5	9.7
Pre-Vocational ('000)	0.17	0.08	3.344	1.351	3.9	2
Vocational and Technical Training ('000)			4.595	0.708	5.4*	0.8*

Source: CSO.

* Figures are for the year 2001.

From the above table it can be seen that enrolment rates for men and women are more or less the same at all levels of education except for pre-vocational, vocational and technical training levels.

The pass rates also shows girls perform better than boys.

Education

Table 13: Performance rates at CPE, SC & HSC Levels

	1992		2000		2002	
	Male	**Female**	**Male**	**Female**	**Male**	**Female**
CPE (% pass)	57.89	64.19	61.17	71.85	59.7	70.7
SC (% pass)	61.3	65.8	75.3	79.4	72.3	76.6
HSC (% pass)	54.40	53.10	67.41	77.20	73.9	77.4

Source: Examination Statistics for year 2001 October 2002 Mauritius Examination Syndicate.

Furthermore, at tertiary level, education reinforces the stereotypical attributes of men and women in Mauritius.

Table 14: Enrolment in Tertiary education level at UOM & institutions as at 2002

UOM	FACULTY OF AGRICULTURE			FACULTY OF ENGINEERING			FACULTY OF LAW & MGT			FACULTY OF SCIENCE			FACULTY OF SOCIAL STUDIES & HUMANITIES		
	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
Degree	33	50	83	133	78	211	52	75	127	69	88	157	56	132	188
Diploma	1	-	1	4	-	4	48	5	53	9	10	19	4	8	12
Certificate	17	1	18	-	-	-	64	9	73	4	-	4	-	-	-
TOTAL	**51**	**51**	**102**	**138**	**79**	**215**	**164**	**89**	**253**	**83**	**98**	**181**	**60**	**140**	**200**

	MAURITIUS INSTITUTE OF EDUCATION			MAHATMA GANDHI INSTITUTE			MAURITIUS COLLEGE OF THE AIR		
	M	F	T	M	F	T	M	F	T
Degree	21	38	59	37	104	141	76	9	85
Diploma	-	-	-	-	1	1	114	25	139
Certificate	-	-	-	-	-	-	37	1156	1193
TOTAL	**21**	**38**	**59**	**37**	**105**	**142**	**227**	**1290**	**1571**

Source: Tertiary Education Commission.

Female graduates tend to outweigh male graduates in most institutions at degree level. The margin of gender difference is more considerable in the Faculty of Engineering at the UOM and at the MCA. At the MCA we find that at certificate level women outweigh men by a high margin. This is because of the pre-primary training courses for pre-primary school teachers run through DE mode jointly with the MIE Almost all the pre-primary teachers are females.

Table 15: Enrolment Levels at UTM in 2002

Course Level	BISE			PSPM			Total		
	M	F	T	M	F	T	M	F	T
Master Degree	20	6	26	28	13	41	48	19	67
Degree	205	138	343	71	101	172	276	239	515
Diploma	-	-	-	88	63	151	88	63	151
Total	225	144	369	187	177	364	412	321	733

Source: University of Technology, Mauritius.

Figures from the UTM follow the same trend as in other tertiary institutions. In fact more males are enrolled in the Business Informatics & Software Engineering (BISE) and more or less an equal proportion of male and female are enrolled in the Public Sector Policy & Management (PSPM).

The Island of Rodrigues:

Gender disaggregated educational data on Rodrigues indicates the following trend:

Table 16: Pre-Primary education, Island of Rodrigues, 1997-2002

	1997	1998	1999	2000	2002
Number of schools	**35**	**33**	**33**	**32**	**31**
Enrolment					
Male	557	590	580	543	554
Female	581	548	601	578	591
Both sexes	1,138	1,138	1,181	1,121	1,145
Number of Teachers	**75**	**65**	**64**	**65**	**65**
Pupil / Teacher ratio	**15**	**18**	**18**	**17**	**18**

Source: Ministry of Education and Scientific Research.

Enrolment rate at pre-primary level in Rodrigues, is not really discrepant, genderwise. In fact, female enrolment has outweighed males' enrolment in 1997- 2002

Table 17: Primary Education, Island of Rodrigues

	1997	1998	1999	2000	2002
Number of schools	**13**	**13**	**13**	**13**	**13**
Enrolment					
Male	2,433	2,433	2,403	2,408	2,273
Female	2,364	2,391	2,341	2,365	2,374
Both sexes	4,797	4,824	4,744	4,773	4,647
Number of Teachers	**185**	**175**	**175**	**184**	**172**
Pupil / Teacher ratio	**26**	**28**	**27**	**26**	**27**
Certificate of Primary Education (CPE)					
Number examined	976	989	1,052	1,018	996
Number passed	496	597	577	551	549
% passed	50.8	58.5	54.8	54.1	55.1

Source: Ministry of Education and Scientific Research.

Access to primary education also does not seem to be a problem. What is problematic is the pass rate, which revolves around 50%, although data about the pass rate in terms of gender is not available.

Table 18: Secondary Education, Island of Rodrigues

	1997	1998	1999	2000	2002
SECONDARY SCHOOLS					
Number of schools	**3**	**3**	**3**	**3**	4
Enrolment					
Male	1,508	1,462	1,551	1,539	1,587
Female	1,617	1,662	1,674	1,701	1,771
Both sexes	3,125	3,124	3,225	3,240	3,358
	121	**140**	**140**	**141**	148
Number of Teachers	**26**	**22**	**23**	**23**	23
Pupil / Teacher ratio					
School Certificate (SC)					
Number examined	423	492	531	599	530
Number passed	249	319	323	347	317
% passed	58.9	64.8	60.8	57.9	59.8
Higher School Certificate					
Number examined	71	80	105	136	177
Number passed	36	29	29	89	104
% passed	50.7	36.3	27.6	65.4	58.8
VOCATIONAL SCHOOLS					
Number of schools	**2**	**2**	**1**	**1**	5
Enrolment					
Male	96	98	111	97	197
Female	27	39	39	36	106
Both sexes	123	137	150	133	303
Number of Teachers	**12**	**9**	**8**	**9**	21
Pupil / Teacher ratio	**10**	**15**	**19**	**15**	14

Source: Ministry of Education and Scientific Research.

Again, the situation replicates that prevailing in Mauritius, whereby access to secondary schools is ensured for both males and females, while access to Vocational Schools predominantly favours boys.

Laws and policies to regulate attendance until school leaving age.

The state has provided free education at all levels, Section 37 of the Education Act makes primary education compulsory. The recent reform in the educational system (2002) has made education mandatory until school-leaving age (16 years old). The **Labour Act** will also be amended to prohibit employment of children below the age of 16. There are drop-

outs at the various levels of the educational system and the government policy to promote vocational training might contribute to solve the problem of drop out of mainstream educational system.

Career and vocational guidance

The Careers Guidance Service of the Ministry of Education and Scientific Research goes to schools and provides information generally, about career possibilities and vocational prospects for both boys and girls. Girls are encouraged to infiltrate male-dominated career fields to the extent that they are made aware of the career possibilities and are not officially nor legally constrained to prevent their enrolment.

But barriers still exist. These range from resistance (from employers and colleagues in the field), lack of support from immediate environment, time-consuming studies, especially the practical part. Therefore, lots of constraints still exist at the level of perception and socio-cultural characterisation of these jobs; women are not yet accepted at par with men, although the number of women opting for male-dominated career fields is gradually increasing.

Employers have been asked to recruit more female employees and with the adherence of the country to the ILO Equality Convention 100 and 111, the government is promoting the employment of women vis-a vis employers.

b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standards and school premises and equipment of the same quality

Choice of subjects:

The subjects offered at primary level are standardised for boys and girls. Both sexes are required to learn English, French, Mathematics and Environmental Studies. The only choice offered is at the level of Asian languages taught, since the island is a multi-ethnic one. Student can choose to learn the oriental language of their choice.

At secondary level, students follow a basic 3 year-programme in which they are exposed to various subjects that they could opt for afterwards. At the end of the first three years at secondary schools, they are offered a choice of subjects.

Girls' awareness of options available to them:

Awareness of the choice of subjects is not a problem in Mauritius. Rather the stereotype inherent in the streams of subjects is more problematic. Indeed, girls are mainly channeled towards feminine subjects like Clothing and Textile, cookery while boys are mainly geared towards masculine subjects such as Design and Technology.

Study streams and choice of subjects

Girls and boys are still unequally represented in the various streams of subjects. There is officially, no discrimination at the entry point for the choice of subjects for boys and girls. But some discriminatory practices may be inherent in the system, since the choice of subjects offered in boys-only and girls-only schools is different. Usually, the students have to abide by the options offered which remains at the discretion of the schools.

Quality of education dispensed to non co-educational schools

The quality of education in schools that are not co-educational, in terms of curricula, examination, teaching staff (student-teacher ratio), school premises and equipment, is the

same. The only difference noted has been at the level of the subjects offered, where boys-only schools have concentrated on subjects such as Design and Technology and girls on Home Economics. Differences in per capita expenditure has been expressed to the extent that the expenses required for the delivery of such boys-only or girls-only subjects (in terms of equipment and materials) has been different.

Table 19: Percentage of women teachers at various levels of education, Republic of Mauritius, 2000

Educational level	Percentage (%)
Primary	60
Secondary	50
Tertiary	15

Source: Report on the Feminization of Primary School Teaching, MRC, 2001

The percentage of women teachers at primary level is more consequent that at secondary or tertiary level. Figures for year 2002 show more or less the same %. This fact may have important implications for sex stereotyping of jobs, pointing to the probability that primary school teaching is considered more feminine job than secondary or tertiary level teaching. Indeed, the "Feminization of Primary School Teaching: 2001 - Mapping Job Satisfaction of Teachers in the primary sector of Education in Mauritius: 2002 shows lots of sex stereotypes built in the perception of primary school teaching (refer to Annex D for details).

Table 20: Seniority levels in terms of gender, Republic of Mauritius

('000)	1990		2000	
	Male	Female	Male	Female
PRIMARY	3,607	2,900	2,992	3,373
Of whom are				
- < 40 years	582	724	671	1315
SECONDARY	3,501	2,785	2,887	3,256
Of whom are				
(d) < 40 years	536	656	620	1,253

Source: Report on the Feminization of Primary School Teaching, MRC, 2001.

Seniority levels in the educational sector however, shows a more encouraging picture. The younger (<40years) generation is to be accommodating more women at senior positions than men, even at secondary level.

c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods.

The educational system in Mauritius, especially with the reforms in the Educational system, is structured in such a way that at primary, tertiary and vocational levels, the system is coeducational while secondary schools are mostly single-sexed with very few co-ed schools.

Attempts at reducing stereotyped concept of the roles of men and women have revolved around the following:

- Sex stereotypes in school books. They are in the process of being revised by curriculum writers at the NCCRD.

d) The same opportunities to benefit from scholarships and other study grants

Grants and scholarships:

The grants and scholarships available are the Undergraduate State Scholarship, Post-Graduate State Scholarship and Post-Graduate Scholarships offered by other countries and instances. These are available to men and women equally. In fact, the state scholarships and bursaries offered are equally attributed to men and women; while the scholarships offered by countries and institution other than the state follow an interview process to determine the beneficiary, in which case the proportion allocated to men and women might be unequal.

Gender disaggregated grants or scholarships:

There is no grant or scholarship that is available solely to men or women. No such awards are offered at primary and secondary level, but at post-secondary level, as mentioned above, 50% of the state scholarships go to men and 50% to women.

e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women

Adult literacy programmes:

This programme was launched in 1986 following a survey on the needs of women which showed that the inability to read and write was a disabling factor for women. The classes are run in 31 centres located in rural and urban areas. Learners in the age group 13-82 are presently benefiting this course and are acquiring basic skills in writing, reading and numeracy.

The table below provides the statistics for the number of trainees who have followed the Adult Literacy programme during the last 10 years are as follows:

Table 21: Number of Trainees in Adult Literacy programmes, 1994-2003

Year	No. of Trainees
1994	71
1995	225
1996	53
1997	334
1998	444
1999	980
2000	980
2001	420
2002	437
2003	680

Source: MWRCDFW.

f) The reduction of female student drop-out rates and the organisation of programmes for girls and women that have left school prematurely

Strategies to reduce the number of drop-outs from the educational system has not been targeted at women specifically. Rather, the Ministry of Education has been working on the current educational reform and the sensitization regarding Vocational and Pre-Vocational institutions.

Indirectly, however, most of the activities / educational programmes run by the MWRCDFW (including the adult literacy programme) cater for the needs of the women population in general, indistinctively. In fact, the main purpose of the MWRCDFW is to empower vulnerable women, including those who have not benefited from adequate schooling, to enable them to earn a living, especially through entreprenеurship.

In addition, the Government has launched a "Zone d'Education Prioritaire" (ZEP) programme in year 2003 for low-achieving schools. This scheme has been introduced to assist financially needy students to pursue tertiary education and vocational training. The Trust Fund is implementing schemes to integrate children from poor families in the mainstream of education. It has financed some 85 projects to provide transport, food supplements, books, and other educational materials to some 10,000 beneficiaries. Some 150 students from deprived areas have also received financial assistance for vocational training and tertiary studies.

g) The same opportunities to participate actively in sports and physical education

Involvement in sports and physical education in schools is not discriminatory. Rather, the same access is ensured through the provision of sports and physical education in each and every school, indistinctively, and by the involvement of both men and women as Physical Education teachers. Under the IFAD project sports activities are funded through the supply of equipment in the Community Development component of the programme.

The Comite National du Sport Feminin (CNSF), under the aegis of the Ministry of Youth and Sports has been created to sensitise more girls and women into a physical and sports activities. Regular activities are organised on a monthly basis to involve the participation of women. Sensitisation through colleges has also started. The CNSF has launched a Training of Trainers on a regional level in the fields of Aerobics this year. Aerobics and Swimming courses are also organised for women by the CNSF. The MWRCDFW is proposing to launch sports and physical activity clubs throughout the island to encourage more girls and women to participate in a physical activity in collaboration with the Ministry of Youth and Sports.

Constraint to equality

Equality of access and even to a large extent equality of outcome and chances have been promoted by the various initiatives under the educational sector reforms. Indeed, the rate of women's involvement at the entry and exit point of the educational system is comparable to men, although a slight exception can be made for Vocational Training.

But inequality remains in channeling women towards specific fields, which are very much stereotypical in nature. Women are not equally represented in the same fields as men, and the educational outcome shows women in softer fields such as Humanities and men in harder areas such as Engineering.

Article 11: Employment

The initial and second periodic report which describes measures taken up to 1992 lays down the legal provisions regarding the right to work, the social security, retirement and pensions, the social aid, health and safety measures at work and marriage and reproduction rights. Since then the reservations mentioned in respect of Article 11.1 (b) and (d) have been removed and a number of measures have been taken to ensure the right to the same employment opportunities, the right to free choice, promotion and job security, the right to equal remuneration and the right to the protection of health and safety working conditions. The government has also implemented measures to prevent discrimination against women on the grounds of marriage and maternity. Below is an update of measures taken by the government.

a) Right to work as an inalienable right of all human beings

Legislative provision does not forbid nor restrict women from involvement in the world of work. Women are therefore entitled to the right to work, and this includes the right to choose a profession, job security, equal pay, benefits, vocational training, maternity leave and child-care.

b) The right to the same employment opportunities, including the application of the same criteria for selection in matter of employment

The right to the same employment opportunities between men and women is ensured by **Section 5** of the **Sex Discrimination Act (2002)** stipulating:

(1) No employer shall, in relation to recruitment, selection or employment of any other person for purposes of training, apprenticeship or employment, discriminate against that other person on the grounds of sex, marital status, pregnancy or family responsibility in -

a) The advertisement of the job;

b) The arrangements made for the purpose of determining who should be offered that employment;

c) Determining who should be offered employment;

d) The terms and conditions on which employment is offered;

e) The creation, classification or abolition of jobs.

Section 6 of the **Sex Discrimination Act** lays down a Reasonableness Test to determine the conditions under which a practice, which may be discriminatory, is not prohibited by law.

(1) A person does not discriminate against another person by imposing or proposing to impose, on that other person, a condition, requirement or practice that has, or is likely to have, a disadvantaging effect, where the condition, requirement or practice is reasonable in the circumstances.

(2) The matters to be taken into account in determining whether or not a condition, requirement or practice is reasonable in the circumstances include -

(a) The nature and extent of the disadvantage resulting or likely to result, from the imposition or proposed imposition of the condition, requirement or practice;

(b) The feasibility of overcoming or mitigating the disadvantage; and

(c) Whether the disadvantage is proportionate to the result sought to be achieved by the person who imposes, or proposes to impose the condition, requirement or practice.

As at 2003, no case has been registered on sex discrimination in employment, mainly because of the very recent enactment of the Sex Discrimination Act. In case of non-compliance to the provisions of the Act however, employers are liable to be prosecuted under Section 39 of the said Act.

c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeship, advanced vocational training and recurrent training.

It also appears, from legislative provisions, that there are no prohibitions on the choice of employment between the sexes. In practice however, employment in the construction industry, transport, mining and paramilitary forces have been essentially filled by males, probably because the job characteristics meet traditional male attributes, such as physical strength. It is however encouraging to see that women, as at 2003, have started to be seen in employment such as bus drivers and conductors, a job that was previously essentially male-dominated.

Indeed, respective Governments overtime, have ensured that openings exist for women in traditionally male-dominated occupations by equalising access to education, vocational and technical training, and probably also through the non-discriminatory practices in employment policies. There has also been some attempts at sensitizing women / girls about opportunities available for them in such fields, mainly through seminars and careers guidance.

Further, under **Section 5(2)** of the **Sex Discrimination Act**,

"No employer shall discriminate against an employee on the grounds of the employee's sex, marital status, pregnancy or family responsibility -

a) In the terms and conditions of employment afforded to that employee by the employer;

b) In conditions of work or occupational safety and health measures;

c) In the provisions of facilities related to or connected with employment;

d) By denying the employee access, or limiting access to opportunities for advancement, promotion, transfer or training, or to any other benefits, facilities or services associated with employment;

e) By retrenching or terminating the employment of the employee; or

f) By subjecting the employee to any other detriment."

The Sex Discrimination Division of the NHRC also draws the attention of employers to the fact that they cannot advertise jobs for members of one sex only.

d) The right to equal remuneration, including benefits and to equal treatment in respect of work of equal value, as well as, equality of treatment in the evaluation of the quality of work

Wages prescribed by Remuneration Orders Regulations, collective agreements and Arbitration Awards for the private sector are formulated on a category-wise basis which

implicitly apply to both male and female employees without distinction. However, minimum basic wage for female workers in the agricultural sector and the Salt manufacturing sector is prescribed on a gender basis instead of job content. Moreover, gender-based discrimination can also be found in the Remuneration Orders, below:

- Tea Industry Workers (Remuneration Order) Regulations 1984
- The Field-Crop and Orchard Workers (Remuneration Order) Regulations 1991
- The Livestock Workers (Remuneration Order) Regulations 1983

Thus, there still remain some sectors, namely sugar, salt, livestock, fields, orchards, tea and baking where jobs are still classified in terms of gender. The issue is not one of unequal pay for work of the same value, but rather, women being debarred from doing certain jobs because of their gender.

Work related benefits

Work-Related Benefits usually available are:

- Paid annual and sick leave;
- Maternity protection;
- Paid public holidays;
- Traveling refund;
- End of year bonus equivalent to one-month's salary;
- Outstanding annual leaves.

These benefits usually accrue to individuals irrespective of gender differences.

Inclusion of work done by women in national statistics

Non-remunerated jobs carried out by women in the home are not computed in the national statistics figures. In fact, unpaid jobs of any nature whatsoever are not included in GNP figures nor are they considered in relation to eligibility criteria for retirement and other work-related benefits.

A Time-Use Survey has been conducted for the first time in 2003, to assess the amount of time women (or individuals) devote to work. This is the first step towards the consideration of women's unpaid labour in national statistics and towards retirement and other work-related benefits

e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave

Social Security, under the National Pensions Act, the Social Aid Act and a series of other measures, equally provides for men and women without any gender distinction.

Retirement and old age pensions contributions:

The mandatory retirement age for both men and women is 60 in all sectors, except for the EPZ where no retirement age is prescribed. The usual voluntary retirement age for men and women is 55 in the public service. Every Mauritian citizen aged 60 and above is entitled to a Basic Retirement Pension, as per the National Pension Scheme 1976. This is a non-contributory benefit, financed by the Government on a universal basis.

In addition, contributory benefits (Contributory Retirement Pensions) are payable to all employees in the private sector who contribute to the National Pensions Fund. The amount of pensions payable depends on the number of pension points earned by the employee during the time he has been in employment and has been paying contributions.

Unemployment:

The Unemployment Hardship Relief is payable to an unemployed person with family responsibility where the income of the household is not sufficient to meet the needs of the members of the household. The person concerned should be registered as unemployed at the Employment Exchange, is willing and able to take up employment and is actively looking for work.

Sickness:

Labour laws provide for 21 days of sick leaves for both men and women per year.

Invalidity:

Non-contributory benefits financed by the government on a universal basis:

- Basic Invalidity Pension payable to any citizen between the age of 15 and 60 who is 0% physically or mentally disabled.
- Additional Basic Invalidity Pension to a beneficiary of Basic Invalidity Pension who needs constant care and attention of another person.
- Additional Basic Retirement Pension to every person aged 60 and above, who is 60% disabled and who needs the constant care and attention of another person.

Contributory Invalidity Pensions are also available more or less on the same basis as Contributory Retirement Pensions.

f) The right to protection of health and to safety in working condition, including the safeguarding of the function of reproduction

The **Occupational Safety, Health and Welfare Act** and regulations protect workers from work hazards, in Mauritius. The Act however, does not consider the protection of women, during pregnancy, in types of work that may be harmful to them. The Act is gender-neutral and treats women and men at par, and essentially considers the work conditions that may be harmful to the individual at large, and not to pregnant women as a vulnerable category.

In industrial undertakings other than those in the EPZ sector however, the Labour Act does stipulate that women are not allowed to work for more than 10 hours per day, or between 10 p.m and 5 a.m.

Measures to prevent discrimination against women on the ground of marriage or maternity and to ensure their effective right to work:

a) To prohibit, subject to the imposition of sanctions, dismissal on the ground of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status

As mentioned above, **Section 5(2)** of the **Sex Discrimination act 2002** stipulates that

"No employer shall discriminate against an employee on the grounds of the employee's sex, marital status, pregnancy or family responsibility -

g) By retrenching or terminating the employment of the employee."

b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

Employment security is not affected by pregnancy.

Maternity benefits:

In February 1990, the provisions of maternity benefits in Remuneration Orders were uniformised and now provide that every female worker who has remained in continuous employment with the same employer for 12 months immediately preceeding her confinement is entitled, on production of a medical certificate, to:

- 12 weeks leave on full pay to be taken at her discretion before and/or after confinement provided that at least 6 weeks leave shall be taken immediately following the confinement.
- An allowance of Rs. 300/ payable within 7 days of her confinement.

Following recommendation from the NRB, the allowance was increased to Rs. 500/ in the following sectors:

- Distributive trade
- Field crops and orchards workers
- Livestock breeding
- Public transport
- Security guards
- Tea industry
- Road haulage industry

With regards to employees of "pre-primary schools," "office attendants" in the private sector and "Newspaper and Periodicals" employees, "Factory workers" and "Tailoring trade" the allowance has been revised to Rs. 1000. In the "Baking," "Construction" and "Light Metal and Wooden Furniture" sectors the allowance has been revised to Rs 2000.

Paid maternity leave is in law restricted to three confinements. However, female employees are granted leave without pay after the third confinement.

In the sugar industry and tea industry, a female worker is entitled to 800 ml of milk per day during 3 months following her confinement or an allowance of Rs. 3. per day if milk is not readily available.

c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

A female worker, who is nursing her unweaned child, is entitled to a break of one hour daily or a break of half an hour twice daily for the purpose of nursing the child, under **Section 19(3)** of the **Labour Act**. Additionally, in most sectors, female workers suffering a miscarriage duly certified by a Government Medical Practitioner or by the employer's medical practitioner are entitled to a maximum of 2 weeks full-pay leave. This privilege will gradually be extended to all sectors.

Network for Child-care facilities:

Following the enactment of the Institutions for the Welfare and Protection, Regulations 2000 under the Child Protection Act, promoting standards of quality, managers of Day Care Centres (DCC) were invited to register their institutions. In February 2003, Certificates of Registration valid for a period of 2 years, were awarded to 79 managers of Day Care Centres complying with the Regulations 2000 have been given a delay of 3-6 months for upgrading purposes. Regular visits are carried out to verify whether necessary efforts for upgrading are being done.

Since September 2002, officers have been visiting Day-Care Centres as an on-going process to ensure enforcement of the requirements, standards and norms established by the Regulation 2000 under Section 21 of the Child Protection Act.

In September 2002, 119 care givers of Day Care Centres who previously completed their Early Childhood Development (ECD) Course (0-3 years) received their certificates of attendance, issued by the Ministry of Women's Rights, Child Development and Family Welfare in collaboration with the UNICEF. The objectives of the course were to equip care-givers with knowledge, skills, competencies and positive attitudes so as to enable them

(1) To provide better child care services

(2) To plan their daily activities at the Day Care Centres effectively

(3) To establish good relationships with the parents, their colleagues and the community at large.

In the EPZ sector (where most women have been working) employers and workers contribute to the EPZ Labour Welfare Fund. This fund provides grants to child-care centres. The grants aim at subsidising the cost of child-care of EPZ workers and support to children of working mothers. The EPZ labour Welfare Fund is currently supporting 7 child care centres.

Legal provisions regulating the child-care facilities network

Section 4 of the **Pre-School Trust Fund Act** has been established, since 1984, with the following objective:

a) To assist in promoting and providing pre-school education and services in Mauritius;

b) To support activities initiated by the Ministry responsible for the subject of education, non-governmental pre-school organizations and local authorities;

c) To encourage teacher-education, activities and research in the pre-school sector as well as the production of learning aids for pre-school children;

d) To promote the general welfare of pre-school children, pre-school teachers and child-care workers;

e) To raise funds and secure financial and other support for the above activities.

Care for school children:

The following table indicates how school-age children are cared for when their mothers work longer than the school day

Table 22: Care of school going children after school hours when the mother is still at work, Republic of Mauritius, 1999 CMPHS

Children taken care by	Women reporting	
	Number	Percentage
Grand parents	285	32.3
Relatives, friends or neighbours without pay	34	3.9
Relatives, friends or neighbours with pay	110	12.5
Nursery	22	2.5
No one (left on their own)	379	43.0
Other	51	5.8
Total	**881**	**100.0**

Source: CSO.

It can be seen that although child care facilities have been set up and are operating, yet not less than 40% of children are left on their own.

d) To provide special protection of women during pregnancy in types of work proved to be harmful to them.

A female worker, who is nursing her unweaned child, is entitled to a break of one hour daily or a break of half an hour twice daily for the purpose of nursing the child, under **Section 19(3)** of the **Labour Act**. Moreover, in most sectors, female workers suffering a miscarriage and duly certified by a Government Medical Practitioner or by the employer's medical practitioner are entitled to a maximum of 2 weeks full-pay leave.

Conditions of female workers in the private sector:

a) **Agricultural sector:** The **Labour Act** contains protective provisions for women workers. On account of the strenuous nature of field work, female workers in the sugar industry, tea industry and sectors involved in livestock, breeding, vegetables, tobacco and fruit tress growing are not compelled to perform field operations such as holing, uprooting, forking, crowbar work, heavy cleaning or cleaning or any work requiring them to carry a load of more than 18 kgs. Female field workers in the sugar industry are also not compelled to do cutting and loading of canes.

   Protection is also provided to female workers who have reached an advanced stage of pregnancy (6^{th} or 7^{th} month), by providing them with light fieldwork or by prohibiting the lifting or carrying of materials or equipment. During intercrop season, in the case of a female worker who is employed otherwise than on task work, the length of a normal work day's work, excluding any time allowed fro meal break is 6 hours on every day, other than a Saturday or a public holiday after she has entered the 7^{th} month of pregnancy. Furthermore, female workers of the Salt manufacturing Industry shall not be compelled to do any work involving the carrying of a load of more than 18 kgs.

   A female employee in the sugar industry is also entitled to an allowance equivalent to 15% of her wages whenever in the course of a normal days work, she is required to do trashing, 'relevage de paille', spreading of fertilisers or any operation comprised in planting including the application of ash, sand, scum and manure.

The law also provides for optional retirement of female employees (50 years in the sugar industry and 55 years in the salt manufacturing industry, and 58 years in the tea industry) with appropriate compensation.

b) Industrial sector (EPZ and non EPZ factories):

The law provides that wherever possible and at her request, every female worker in the EPZ and non-EPZ factories who has entered in her 7th month of pregnancy should be offered jobs not requiring continuous standing.

Constraints to equality

Equality of employment opportunities is formally provided, as legislative provisions have gone a long way towards the protection of women in employment. Indeed, the Labour Act for instance, which can be said to have been drafted in a gender-neutral language nevertheless contains several protective measures for women.

Employment laws such as the Labour Act, were drafted at a time when not many women were on the labour market, and the few working women were concentrated in the sugar industry and the industrial sector. In the days of the preparation of the draft **Labour Act,** discussion revolved around the **protection of women** rather than equality of treatment. Maternity protection was hence supplemented by provisions prohibiting women from doing certain jobs and working certain hours.

It follows therefore that women have been more vulnerable in employment than men. For instance, women have been mostly employed in the EPZ where skills levels are usually low. They are therefore more vulnerable in times of redundancy and downsizing. The low employment level linked to poor skills development results in women being seen as poor investment potential.

In the context of the revision of the Labour Act, steps have been taken to include provisions relating to equality and elimination o discrimination in employment, the more so as Mauritius has ratified the ILO Conventions Nos. 100and 111. ILO assistance has been sought to harmonise the labour laws with the provisions of the two conventions in order to eliminate job classifications based on gender. Similarly, the last PRB Report has given due consideration to this issue in the classification of occupations in the public sector.

Furthermore, statutory maternal leave is not sufficient. Article 4 of the ILO Convention No. 183 to which Mauritius is not a party yet lays down a period of maternity leave of not less than 14 weeks

There is absence of adequate number of nurseries in the vicinity of the workplace which makes it hard for breastfeeding mothers to take advantage of the breastfeeding breaks. This makes the whole purpose of the breastfeeding break futile.

Article 12: Equality of Access to Health Care

The initial and second periodic report mentions that " in terms of quantity, Mauritius has achieved a breakthrough in health care. Focus is now on upgrading the quality of services and prevention of ill health in the first instance. It is known that back-street / illegal abortions have not ceased. Legislation on abortion should be reviewed." A review of measures taken by the Government in terms of equality of access to health care shows that both men and women have benefited. However, abortion is sill a matter of concern.

Measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health services, including those related to family planning

Measures adopted to eliminate discrimination against women in the field of health care

Health care is also provided free of charge in hospitals, indiscriminately. There are also private clinics available to those who can afford to pay for medical care.

Access to health care

Table 23: General hospital discharges (including deaths) by International Classification of Diseases by sex, Republic of Mauritius, 2001

Cause	Male		Female	
	Number	%	Number	%
1) Infectious and parasitic diseases	3,789	4.8	3,902	3.7
2) Neoplasms	1,199	1.5	2,664	2.6
3) Endocrine, nutritional and metabolic diseases and immunity disorders	3,416	4.4	4,217	4.0
4) Diseases of the blood and blood forming organs	475	0.6	942	0.9
5) Mental disorders	3,641	4.6	1,251	1.2
6) Diseases of the nervous system and sense organs	1,204	1.5	951	0.9
7) Diseases of the circulatory system	7,801	9.9	8,866	8.5
8) Diseases of the respiratory system	6,708	8.6	6,187	5.9
9) Diseases of the digestive system	7,508	9.6	4,716	4.5
10) Diseases of the genitourinary system	3,887	5.0	9,388	9.0
11) Complications of pregnancy, childbirth and the puerperium	--	--	31,235	30.0
12) Diseases of the skin and subcutaneous tissue	3,578	4.6	2,671	2.6
13) Diseases of the musculoskeletal system and connective tissue	4,606	5.9	3,574	3.4
14) Congenital anomalies	499	0.6	286	0.3
15) Certain conditions originating in the perinatal period	2,090	2.7	2,000	1.9
16) Symptoms, signs and ill-defined conditions	14,980	19.1	14,438	13.8
17) Injury and poisoning	13,039	16.6	6,993	6.7
Total	78,420	100	104,276	100

Source: Health Statistics Annual 2001, Ministry of Health and Quality of Life.

It appears that despite a more or less equal distribution of men and women in the population, women have exceeded men in number, in terms of having recourse to medical care facilities. This margin of difference is due to the high number of women registered for complications of pregnancy and childbirth; otherwise the distribution of men and women in terms of hospital figures is relatively equal.

Maternal mortality rate

From 1989 to 1999, the maternal mortality rate fluctuated between 0.2 and 0.7. In 1999, the maternal mortality rate was at the middle of this range: 0.4 maternal death per 1000 live births (40 maternal deaths per 100,000 live births).

Life expectancy for boys and girls

Table 24: Life Expectancy (years) at selected ages and sex, Republic of Mauritius, 2000 census

Age group (years)	Republic of Mauritius	
	Male	Female
0	68.2	75.3
1	68.5	75.3
5	64.6	71.4
10	59.7	66.5
20	50.0	56.7
30	40.7	47.1
40	31.6	37.5
50	23.3	28.4
60	16.1	20.3

Source: CSO.

Life expectancy is higher among females at all ages than among males at all ages. There has been an improvement in life expectancy overtime. During the seventies and eighties, female life expectancy has been progressing at a faster rate than male life expectancy. However, over the last decade, there has been a reversal in the trend. The gap between male and female life expectancy stood at 7.1 years in 2000.

Family Planning and Use of Contraception:

The provision of family planning services caters for the population nationally and indiscriminately; in fact, Community / Area Health Centres have been established all over the island to cater for the needs of women generally. Furthermore, the "Mauritius Family Planning Association" has set up male clinics to reach out at men as well and the "Action Familiale" targets couples in general. It can be claimed therefore that provision of family planning services is provided with the broad aim of reaching out to the whole population and not to a segment of women in particular.

Table 25: Percentage users of contraceptives by method for the year 2001, Republic of Mauritius

Contraceptive method	Number	Percentage
Tubal ligation	18,013	17.6
Injectable	5,791	5.6
Intra Uterine Devices	5,322	5.2
Norplant	364	0.4
Sympto Thermal	27,087	26.5
Pill	23,145	22.6
Barrier	22,673	22.1
Total	**102,395**	**100.00**

Source: Family Planning and Demographic yearbook 2001, Min of Health and Quality of Life.

Husband's authorisation for health services.

The husband's authorisation is not required, neither by law nor in practice, for a woman to receive health services, including family planning.

Abortion

In Mauritius, abortion is illegal; the Criminal Code has criminalised abortion and provides penal servitude to women who indulge in abortion and to individuals who induce women, in any way, towards abortion. Indeed, the wordings of **Section 235** of the **Criminal Code** are very restrictive, as they do not permit abortion on any grounds in any circumstances.

Section 235 provides that:

(1) Any person who, by any food, drink, medicine, or by violence, or by any other means procures the miscarriage of any woman quick with child, or supplies the means of procuring such miscarriage, whether the woman consents or not shall be punished by penal servitude for a term not exceeding 10 years.

(2) The like punishment shall be pronounced against any woman who procures her own miscarriage, or who consents to make use of the means pointed out or administered to her with that intent if such miscarriage ensues.

(3) Any physician, surgeon, or pharmacist who points out, facilitates or administers the means of miscarriage shall, where miscarriage has ensued, be liable, on conviction, to penal servitude.

However, according to the Task Force Report (2001), the provision of the law contained in **Section 235** is difficult to implement since before action can be taken cases must be reported to the police. Statistics from the Ministry of Health and Quality of life show that on average 2,400 women are hospitalised each year for treatment of post-abortion complications.

In Mauritius, while the subject of abortion laws arouse passionate debate, the practice of abortion continues as women and men weigh societal, familial and personal constraints against their desire to terminate an unwanted pregnancy. The current strict laws are responsible for keeping the costs of illegal abortion high. Whilst women who have the means go for safe abortions in Mauritian clinics or abroad, others have to undertake life-threatening clandestine abortions. Often women in desperation seek to induce the abortion themselves. The use of toxic herbs is common with the result of life-long health problems such as haemorrahage, abdominal or intestinal perforations, kidney failure, and permanent infertility (Task Force Report, 2001).

However, the Ministry of Health in collaboration with other stakeholders is working on a policy as to in which cases abortion could be permitted in the country.

Programmes to combat sexually transmitted diseases, especially HIV/AIDS

Programmes to combat sexually transmitted diseases have been launched by the Ministry of Health. These include:

- A multi-sectoral Technical advisory committee
- A National strategic Plan has been prepared and is presently implemented.

Furthermore, some measures implemented aim specifically at women. The Project MAR 99/03 funded by the UNFPA, strengthen sexual reproductive health amongst underserved women and girls. Access to specific educational information to help ensure the health and

well-being of families, including information and advice on family planning is provided through the family life education programmes. Family Life Education is dispensed in all primary and secondary schools, since 2001. Education in Sexual and reproductive Health is also provided, under a UNFPA project, to primary and secondary school children as well as to underserved groups.

Appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation

As specified above, health care is provided free of charge in all governmental hospitals and Community/Area Health Centers. Follow-up, during pregnancy and the post-natal period, as well as medication is freely provided in Health Centres, while public hospitals accommodates pregnant women during confinement, free-of-charge. Adequate services are also provided on family planning after a first confinement to assist women in the regulation of child-bearing.

Vaccination facilities against polio, malaria and BCG for the child are provided throughout the island. A post office savings account of Rs 100 is given to all children having the BCG vaccine administered.

In Rodrigues the Ministry of Health (MOH) is responsible for the overall provision of Sexual and Reproductive Health (SRH) services and the Republic of Mauritius plays an important role in executing and implementing the programme. Taking into consideration the different facets of the components of the SRH sub programme, the MOH work in close partnership with different stakeholders to provide a comprehensive and integrated approach.

The MOH has experience in executing and implementing UNFPA projects and the last one being the UNFPA 3 years Country Programme for strengthening of RH FP in Mauritius and Rodrigues. The evaluation of the project dated July 1998 concluded that the project was globally well implemented and reached its main objectives. In this regard, an absorptive capacity of above 75% was reached and a satisfactory level of mobilisation at the community level was attained with the support of appropriate materials produced.

However, some shortfalls were noticed such as poor counseling in health centres and lack of service for youth. The evaluation report also recommended to pay more effort to integrate youth friendly programme within the health system, to improve the qualities of counseling.

Constraints to equality

The Ministry of Health is providing a range of services specific to women needs. The strengthening of primary health care services and the sensitization campaigns on breast and cervical cancer are laudable. However, abortion is still illegal in Mauritius. This is of concern as a number of illegal abortions are practiced and in unhealthy environments endanger women's health.

Article 13: Social and Economic Benefits

The initial and second periodic report establishes the legal provisions for family benefits, the right to credit, loans and mortgages, and the right to cultural life. A review of the social and economic benefits provided by the Government shows that other provisions have been added to existing ones.

a) The right to family benefits

Family Benefits System:

The country does have a system of family benefits consisting of Social Aid. This is an income-tested scheme, payable only where the income of the head of household is not sufficient to meet the requirements of the members of the household. It can also be payable to a single person. It generally accrues to destitute sick people unable to earn a living, to the dependents of prisoners, to abandoned spouses living in separation, especially with dependent children. It is also paid for a few months in case of sudden loss of employment. A number of other benefits are also granted to social aid beneficiaries, such as free spectacles, payment of examination fees for SC, GCE and HSC, funeral grant, refund of traveling to attend medical treatment, compassionate allowance for severe illness, career's allowance, allowance for the purchase of rice and flour and allowances to fire victims, cyclone refugees, flood victims as well as bad weather allowances for fishermen.

Unemployment Hardship Relief:

This is payable to an unemployed person with family responsibility where the income of the household is not sufficient to meet the needs of the members of the household. The person concerned should be registered as unemployed at the Employment Exchange, is willing and able to take up employment and is actively looking for work.

Disabled persons who can take up employment also qualify for this relief.

Family Allowance:

A person with three children under 15 years can be paid an allowance of Rs.50. a month provided the income of the spouses does not exceed Rs. 10,000 annually.

Beneficiaries of the Family Benefit System:

The Head of Household qualifies for the enjoyment of Family Benefit, irrespective whether they are men or women. To the extent that there is no constraint on who is Head of Household there is an equal consideration for men and women. In practice however, being given that in most cases where both spouses are present, the male acts as Head of Household, there is prejudice. Payment of Family benefits is usually made in cash, paid directly to the Head of Household. Consideration is not given to whether the benefit is actually accruing to the person it is meant for, such as children in the case of children's allowances.

Women's access to Family Benefits according to their marital status:

There is no barrier to women's access, in their own right or as parent, to family benefits, such as Children's Allowance. Further, marital status does not have an impact of their enjoyment of these benefits.

b. The right to bank loans, mortgages and other forms of financial credits

Qualification for bank loans, mortgages and other forms of financial credits:

In both government and private institutions, people (irrespective of gender) qualify for bank loans by

(a) Producing pay slips

(b) Evidence of residential address

(c) Copy of national Identity cards

Equality in qualifying requirements:

The qualifying requirements affect both men and women equally, irrespective of their sex or marital status.

Women need the consent of the husband to obtain credits if they are married on the "Communaute de bien" matrimonial regime, just as the husband need the consent of the wife.

a. The right to participate in recreational activities, sports and in all aspects of cultural life

There are no legal barriers to women's participation in recreational activities, sports and in all aspects of cultural life.

b. Constraints to equality

Social barriers: the triple roles of women in the society and the prevalence of segregated conjugal roles instead of joint roles hinder the status and activity of women as regard to men.

Economic barriers: the higher level of women unemployment, and the feminisation of poverty limit the socio-economic benefits which women could aspire in society. The policy to limit the spending of the Welfare System hinders the possibility of extending measures, which might be beneficial for women.

Cultural: the stereotypical images and religious constraint imposed on the women restrict the rights of women in everyday life.

Article 14: Rural Women

The initial and second periodic report describes the nature of rural regions in Mauritius, rural sanitation and infrastructures and the difficulties encountered by rural women. A number of measures were recommended to improve their condition. A review of measures taken shows that the Government has implemented a number of activities, which are likely to improve the condition of rural women.

a) Participation in the elaboration and implementation of development planning at all levels

Representation in Government, and on bodies and commissions involved with development planning

The representation of rural women is promoted through the National Women's Council regroups women on Regional Committees. There are currently 4 such Committees in Mauritius (Grand-Port / Savanne, Pamplemousses / Riviere Du Rempart, Port-Louis / Black River and Plaines Wilhems) and 1 in Rodrigues. These are forums where women at grass-root level are represented to raise issues of direct concern to women.

b) Access to adequate health care facilities, including information, counseling and services in family planning;

Community / Area Health Centres have been established all over the island to cater for the needs of both rural and urban areas. Furthermore, about 70% of women centres are located

in rural areas. The provision of family planning services is provided with the broad aim of reaching out to the whole population and not to urban women only.

Measures and follow-up facilities available to ensure safe contraception for rural women:

Through Community / Area Health Centres, regular information and contraception methods are made easily available. In addition, medical social workers / midwives provide door-to-door services for post-natal treatment, to those new mothers who have been attending the Community / Area Health Centres for follow-up during pregnancy. This is provided to both rural and urban areas without distinction.

c) Benefit directly from social security programmes;

No distinction is made between rural and urban areas as far as provisions of Social Security Programmes are concerned. In addition, there is no specific provision directed rural women only. Rather Social Security benefits cater for vulnerable people at large, be it men or women.

However there are certain specific provisions pertaining to rural areas such as:

- Sugar Insurance Fund Board which provides compensation to all agricultural workers, when the island is hit by severe cyclone.
- The Ministry of Fisheries provides compensation for bad weather.

d) Training and education, formal and non-formal, including that relating to functional literacy, as well as inter alia, the benefit of all community and extension services, in order to increase their technical proficiency

Training and education:

Education is nationally provided in Mauritius, indiscriminately, irrespective of differences such as sex or geographical distribution. It follows therefore that even rural areas, in Mauritius, benefit from equal access to the educational system. Furthermore, there are training courses run through Social Welfare Centres and Community Centres that provide training to women throughout the island. Statistics however, show some disparities in the educational level of women in urban and rural areas.

Table 26: Female illiteracy rates in rural and urban regions

Age group	Rural female illiteracy (%)	Urban female illiteracy (%)
Above 12 years	23.0	12.7
15-24	5.9	2.7
25-44	13.9	6.3

Source: Housing and Population Census 2000.

Note: *A person is considered literate if he/she can, with understanding, both read and write a short, simple statement on his or her everyday life in any language.*

Literacy rate is the number of literate persons aged 12 years and over, per 100 persons aged 12 years and over.

From table 26, it can be said that there are more illiterate women in rural than in urban areas. The MWRCDFW through the adult literacy programmes, the training of trainers in

deprived regions under the IFAD programme as well as a number of NGOs are carrying out outbreak literacy programmes.

Agricultural Extension services

Agricultural extension caters for all categories of farmers directly, irrespective of gender as long as the person is actively engaged. Thus livestock extension, for instance, devotes more effort to women because they look after livestock more than men. Also, extension is devoting attention to motivating rural women to form agricultural clubs for gardening and food processing.

(e) Organisation of self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

Women self-help groups and co-operatives in rural areas

The state does recognise the right of rural women to organise self-help group, participate in cooperatives and other economic development programmes. In fact, the MWRCDFW has been set up to overcome any obstacles likely hinder the advancement of women.

Further, self-help groups, co-operatives and other socio-cultural activities have been established in rural areas to allow women to obtain equal access to economic opportunities through employment or self-employment. These are fostered by the Poverty Alleviation Programmes, IFAD and Micro-Credit Schemes. One example is the JAGRITI Co-operative Society.

Rural marketing facilities:

Rural areas of the country have their own marketing facilities. Besides women from rural regions can sell their products in two particularly well organized markets of Grand-Baie and Quatre-Bornes. These facilities available in all the markets in the country are open to everybody so that women are not excluded from participating although there is no specific attention being paid to the special needs of women. Women have equal access to men to make use of these marketing facilities to sell their goods.

There are some specific marketing facilities available to women only through the NWEC and the National Handicraft Promotion Agency. These are not rural marketing facilities but national marketing facilities which accommodates for both rural and urban regions, although they are solely for the benefit of women.

In addition, there are training institutions which have been set up to deliver training to unskilled and unemployed people in various areas such as marketing (refer to Article 3).

(f) Participation in all community activities;

To the extent that there is no restriction or legal barrier to women's participation in all community activities, it can be claimed that women have an equal right as men to such participation.

(g) Access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

Title to land

Women can hold titles to land on the same basis as men. Indeed, women have the right to buy, own and sell land at par with men. They may also inherit land from their parents or other relatives, just like men.

Special programs and national budget allocations designed to meet the needs of rural women

IFAD, Micro-credit and Community Development programmes have been created to integrate women in economic development. There are no programmes or budget allocations targeted at women in rural areas specifically, rather any such provisions caters either for women in general (on a national basis) or to vulnerable groups as a whole (of which women is an important social category), although special emphasis is placed on Village Council Areas to reach out at women in rural areas.

(b) Enjoyment of adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Provisions for adequate living conditions of rural women

There are no specific provisions aimed at ensuring adequate living conditions for women as a special group. Rather, needy women can be considered under the vulnerable group category (if they satisfy the eligibility criteria) and can obtain state assistance towards securing adequate living conditions. For instance, the National Housing Development Corporation provides loans targeting vulnerable groups both in rural and urban regions, there are specific measures to help lower-income groups. These are not aimed specifically at women, rather they are directed at vulnerable groups as a whole, and vulnerable women are entitled to take full advantage of it.

Awareness of Rights under the Convention

Women as a whole are targeted to make them aware of their legal rights as per the Mauritian laws. However, these awareness or sensitization campaigns, are not aimed specifically at rural women but are run on a national basis, by the MWRCDFW.

Equality of treatment between women of different status in rural areas

There is in law and policy, no differential treatment of women between rural and urban regions. However, differentiation may prevail on a cultural level, in terms of the perception of women in society (outside the occupational and legal world).

Type of work done by rural women and computation of GNP

About 10.8% of women in rural areas are involved in agricultural and fishing sectors, as at 2002. Women's contribution is not taken into account while computing the GNP, only remunerated employment is. However, a Time-Use Survey is being conducted for the first time in Mauritius, in 2003. The findings of the survey could be of help in evaluating the time spent by women in the informal sector and could be the first step in the involvement of women's (and their contribution) in the GNP statistics.

Rodrigues

Rodrigues is mostly of a rural nature and is faced with poverty problems. The Government of Mauritius through a number of programmes is trying to overcome the problem of poverty faced by women in that society. Three major programmes address the needs of rural women in particular:

1. Lévé Deboute Programme

The Lévé Deboute Programme financed by the UNDP and the Afro Asian Rural Development Organisation is to fight against exclusion in Rodrigues through participatory community development and promotion of income generating activities in rural areas. A

sum of Rs 2000, is given to a member, per cycle of 9 months, so as to undertake an economic activity. The member will have to reimburse the loan before being eligible for the second cycle. Peer group pressure to reimburse loans and to move to the next cycle has been very effective. A training programme prior to loan disbursement has also contributed in making the programme more effective. The table below shows the villages in Rodrigues involved in that programme. It can be seen that it is mainly addressed to women.

Table 27: Basic data on villages and caisses villageoises, Rodrigues

	Total Pop.	No. of Households	No. of members in caisses	Male Total in Caisses	Female Total in Caisses (%)
Quatre Vents	1125	237	42	12	30 (71 %)
Citron Donis	645	167	34	8	26 (76 %)
Maréchal	688	160	57	21	36 (63 %)
Petit Gabriel	1416	320	34	12	22 (65 %)
Coromandel	449	124	39	10	29 (74 %)
Songes	475	107	25	2	23 (92 %)
Crève Coeur	722	175	25	2	23 (92 %)
Riviere Cocos	963	208	37	12	25 (68 %)
Roche Bon Dieu	581	133	20	4	16 (80 %)
Eau Vannee	644	150	26	3	23 (88 %)
Graviers	387	96	36	16	20 (56 %)
Citronnelle	446	108	24	5	19 (79 %)
St Gabriel	665	150	65	37	28 (43 %)
Pistaches	604	134	41	11	30 (73 %)
Anse Quitor	488	107	20	7	13 (65 %)
Montagne Charlot	421	88	39	13	26 (67 %)
Soupirs	638	160	71	24	47 (66 %)
Montagne Goyaves	384	86	27	14	13 (48 %)
Oranges	464	125	23	4	19 (83 %)
Montagne Bois Noir	377	93	27	7	30 (81 %)

Project UNDP/ILO/GOM/MAR/99/001: "Fight Against Exclusion in Rodrigues through Participatory Community Development and Promotion of Income Generation Activities

(Source: Joly, 2000)

2. IFAD Rural Diversification Programme

The International Fund for Agricultural Development (IFAD) is financing a rural diversification programme. Rs 17.3 million has been disbursed to 536 beneficiaries in Mauritius and 67 in Rodrigues in the form of micro-credit to undertake different economic

activities. The Programme has financed 25 community development projects in Mauritius and 11 in Rodrigues. The repayment rate of micro-credit is low (20%) and beneficiaries encounter difficulties to obtain the necessary permits and licences to operate their business. As far as community development projects are concerned, the lack of organizational community understanding/cohesion limits programme implementation.

3. Trust Fund for the Social Integration of Vulnerable Groups

The Trust Fund for the Social Integration of Vulnerable Groups operates under the aegis of the Ministry of Finance and is involved in

a) Community-based projects

b) Housing for the absolute poor

c) Education in deprived areas

d) Micro-Credit Scheme

e) Loan to needy students for tertiary education

As at year 2002, the Trust Fund has implemented 333 community development projects, has assisted in the building of 600 core housing units in Mauritius and 754 in Rodrigues. It has also provided 1000 domestic water tanks and micro-credit to about 330 beneficiaries. It has also helped some 90 students by providing them with loans for tertiary education. (A breakdown for Mauritius and Rodrigues is not available.)

Constraints to equality

The facilities available to rural women need not be necessarily accessed by them. The cultural norms and the fewer infra-structural facilities available (shopping facilties, transport system, etc) as compared to women in urban regions might limit their access to these services.

Article 15: Equality Before the Law and in Civil Matters

The initial and second periodic report list down the action taken by the Government with respect to Article 15. The amendments to the Code Napoleon which regulate marriage and the greater equality achieved for women are presented. The report considers that "Overall, the situation reflects that women are given equal legal status in most laws. However, amending laws alone will not help. It is also the social attitudes which must be changed to allow equality to women." A review of existing provisions in terms of legal capacity and freedom to choose their residence shows that the Government of Mauritius has taken measures which are in line with this Article.

Legal capacity, in civil matters, and the opportunities to exercise that capacity.

Legal capacity to conclude contracts and administer property:

Women are formally treated equally with men under the law with respect to their legal capacity to conclude contracts and administer property in their own name, without interference or consent of the male partner. However, specific provisions may apply in relation to the matrimonial regime, although the impact then, is equally felt upon men and women.

Treatmen: in courts

Women in Mauritius, are treated at par with men in courts. In fact, women can sue and be sued in their own names; their testimonies carry equal weight to that of men; women

lawyers are entitled to represent clients before courts and tribunals, and women are even provided with the opportunity of serving as jurors or even on other citizens panel. Women therefore, take their place in the legal system on an equal basis with men.

Equality of access to legal services

Women further, do have equal access to legal services. The **Legal Aid Act 1974** is available in Mauritius in respect of criminal proceedings, which includes proceedings in extra judicial matters and if the applicant satisfies the requirements of **Section 5.** A person qualifies for legal aid only if he is able to satisfy **Section 4(b)** regarding the **"means test"** to assess the applicant's financial circumstances and a **"merits test"** to assess the reasonableness of the case. Thus, the person's sex is not an impediment for the availability of Legal Aid, although some of its effects might be discriminatory against women (as highlighted by the Patten Report – refer to Appendix A). The process of amending the Legal Aid Act 1974, in relation to its discriminatory potential however, has been initiated by the Budget provisions of 2003.

The movement of persons and the freedom to choose their residence.

Women are accorded the same legal rights of freedom of movement and choice of residence as men. Marriage does not limit her right to choose her residence although the 'conjugal roof' is where both husband and wife are domiciled and in most cases, pertains to the male partner.

Constraints to equality

Women are given equal status in the law. However, given the strong patriarchal nature of the society they are very often denied of their rights in everyday life. The MWRCDFW has undertaken sensitization campaigns on women and their rights. However, norms and values which tend to favour men do not change overnight.

Article 16: Equality in Marriage and Family Law

The initial and second periodic report lays down the provisions regulating marriage, the annulation of marriage, property and alimony disposition in case of divorce, the right to name, the decision to have children, the management of home and child rearing and adoption. Following the amendments made to the Code Napoleon and the measures taken to implement the recommendations of the Sex Discrimination Committee set up in 1986, appropriate measures have been taken to eliminate discrimination against women in matters relating to marriage and family relationships. Below is a review of equality in marriage and family relationships as per the requirements for reporting on the CEDAW.

1. Elimination of discrimination against women in all matters relating to marriage and family relations

a) The same right to enter into marriage

Family relations are governed by the Civil Code, and the right to enter into marriage is provided equally to men and women.

b) The same right to choose freely a spouse and to enter into marriage only with their free and full consent

During civil marriages especially, the consent of both spouses is sought as to the choice of spouse and the decision to enter into marriage.

c) The same rights and responsibilities during marriage and at its dissolution

Rights and responsibilities during marriage

Legally, the Civil Code stipulates the same responsibilities for both sexes under marriage laws. In practice the responsibilities differ. There have been some improvements in the attitudes and perception of the roles and responsibilities among couples. There has been widespread sensitization and awareness campaigns about the need to get away from segregated conjugal roles and move towards the joint conjugal roles. Yet, the major role and responsibility of the men (as main breadwinners; women are only supplementing the family budget) still falls on the father / husband to provide for the family. Similarly, women's main responsibilities are the household chores although husbands / fathers may help.

Polygamy

Polygamy is not recognised by the law. In fact, Mauritius formally practices monogamous marriages, where a person is allowed only one spouse, although widows/ widowers are allowed to remarry (serial marriage).

Rights and responsibilities of men and women who live together as husbands and wives without legal marriages.

The partners, in such cases, have no legal rights towards each other, although children born out of such circumstances have the same rights as legitimate children, provided they have been acknowledged by the couple.

Divorces

Divorce is possible to men and women on the same grounds. According to the Divorce laws (Chapter 1 of the Civil Code), divorces can be petitioned either on the ground of "faute" or on "rupture de la vie commune" (Article 229):

- Divorce on the ground of "faute":

Article 230 of the **Civil Code** provides that

« Le divorce peut être demandé par un époux pour les faits imputables a l'autre, lorsque ces faits constituent une violation grave ou renouvelée des devoirs ou obligations du mariage »

- Divorce on the ground of "rupture de la vie commune":

Article 235 lays down that

« Un époux peut demander le divorce, en raison d'une rupture de la vie commune, lorsque les époux vivent séparés de fait depuis cinq ans. »

In order to avoid abuses on the part of a spouse who may just walk out on the other spouse and children and petition for divorce after five years of separation, the legislature has imposed a financial burden on the petitioner. Hence, Article 236 provides that

« L'époux qui demande le divorce pour rupture de la vie commune en support tous les charges. Dans sa demande, il doit préciser les moyens par lesquels il exécutera ses obligations a l'égard de son conjoint et de ses enfants. »

Article 237 states that

> « S'il est établi que les moyens précisés par le demandeur sont insuffisants pour préserver les intérêts matériels de l'autre époux et des enfants communs, le juge rejette la demande. »

It follows that divorce by renunciation does not occur in law.

Rights with respect to property on dissolution of marriage

The rights of the wife with respect to property, on dissolution of marriage, is similar to that of the husband. In fact, the matrimonial regime of the marriage will determine the impact with respect to property.

Property acquired after marriage is usually shared equally upon divorce. However, the women's work in the home, or her unpaid agricultural labour is not counted as a contribution towards the value of property and this (non-remunerated work) is therefore not reflected in the division of property on divorce.

Legal obligations to pay maintenance

Women have the rights to maintenance on divorce and this right is strictly enforced. There are court orders to that effect.

Child custody on divorce or relationship breakdown

Upon divorce or relationship breakdown, child custody usually depends on the facts of the divorce case, court orders or mutual arrangements. Upon the death of a spouse (be it husband or wife), the surviving spouse usually acquires the custody of the children.

Child Support is paid for by the father, in case the mother gets custody, and the Child Support Orders are strictly enforced. Further, single-parents also hold the right to appropriate child support from the other parent, and this right is enforced by going to court and obtaining an Alimony Order.

Rights of people who live together without legal marriage.

Couples who live together as husband and wives without legal marriage do not have any right to property or maintenance, neither during the relationship nor upon its breakdown. The concept of 'concubinage' is not recognized by law, except (as mentioned above) with regard to naturally acknowledged children.

Wives'/spousal abuse

Legal provisions relating to the abuse of wives and *de facto* wives is encapsulated under the **Protection from Domestic Violence Act 1997**. The Act provides protection to "spouses" meaning either a man or a woman who are:

(h) civilly or religiously married to each other

(i) are living or have lived together as husband and wife, or

(j) whether they have ever lived together or not, are the parent of a common child.

The Act therefore accommodates both wives and *de facto* wives.

The Act identifies the following orders:

(k) **Protection order**, which has the effect of restraining the a spouse from engaging in any conduct which may constitute an act of domestic violence

(l) **Occupation order**, which grant exclusive right to the victim of domestic violence to live in the residence belonging to the aggrieved spouse, the respondent spouse or both of them

(m) **Tenancy order**, which has the effect of vesting in the aggrieved spouse the tenancy of the residence.

The data collected by the Domestic Violence Intervention Unit of the Ministry of Women's Rights, Child Development and Family Welfare reveal the following figures, as regards to the practice of domestic violence.

Table 28: Statistics for domestic violence

	Number of cases reported	Number of Protection order issued	Number of Occupation order issued	Number of Tenancy order issued
1997	344	77	-	-
1998	1263	441	11	-
1999	1576	599	8	1
2000	1272	515	2	1
2001	991	438	5	-
2002	1277	727	1	-
Jan-July 2003	649	390	2	-

Source: MWRCDFW

From the table, it can be seen that the number of reported cases is increasing.

d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interest of the children shall be paramount

Women hold the same rights and responsibilities as men in matters relating to their children. In fact, the rights and responsibilities of men and women both in marriage and as parents, are similar.

e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to information, education and means to enable them to exercise their rights

Officially, women do have the right to access information and services for family planning, and can subsequently also freely decide on the number and spacing of their children. In addition, family planning providers do provide information and treatment to women even without the knowledge and consent of their husbands.

The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children or similar institutions where these concepts exist in national legislations; in all cases the interest of the children shall be paramount

The natural guardian of the child is both the father and the mother. Indeed, as mentioned above, women have the same rights as men regarding all decision and matters pertaining to the upbringing of their children.

f) The same personal rights as husbands and wife, including the right to choose a name, a profession and an occupation

Women's rights with respect to the choice of their family name, upon marriage.

Women do have the right to retain their family names upon marriage. In fact, the law gives complete freedom of choice to women to retain their own name, to change to the husband's name or to use both names. Husbands are also entitled to add the wife's name to his own.

Furthermore, women have equal rights as men to nominate their names as the family name although very few women actually do so. However, women do not have the right with respect to the choice of the family name of their children unless stipulated in the marriage contract. Under Article 27 of the Civil Code the legitimate child takes the father's name.

Rights to choose a profession and occupation

The right to employment, to choose a profession and occupation is not affected by marriage. Adult women are entitled to take up any job they are qualified for, without the consent of their spouses.

g) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for valuable consideration

Married women have an equal voice in the management and disposal of all property acquired during marriage, if they are married under 'communauté de bien" regime. In fact, their consent (signatures) is required on any paper that relates to management and disposal of property acquired during marriages.

If the husband is declared bankrupt, the rights of the wife will be affected depending upon the matrimonial regime under which they are married.

2. The betrothal and the marriage of a child shall have no legal effect and all action, including legislations, shall be taken to specify a minimum age for marriage to make the registration of marriages in an official registry compulsory.

Child marriage

The minimum age for marriage in Mauritius, for both men and women, is 18 years. Under Article 145 of the Civil Code any minor aged above 16 may get married with the consent of hi/her parents. It follows that child marriage is therefore not recognized by law.

Table 29: Mean age of marriage, Mauritius and Rodrigues

	1962	1972	1983	1990
Mauritius				
Male	26.2	27.2	27.5	28.3
Female	19.9	22.5	23.8	23.8
Rodrigues				
Male	NA	25.6	24.7	26.1
Female	NA	21.3	21.7	22.0

Source: Central Statistics Office. Housing and Population census 1983 & 1990.

Legal age of consent to sexual intercourse

The minimum age of consent to sexual intercourse has been established at 16 for both men and women, although the legal age for marriage is 18.

Registration of marriage:

Registration of marriages is required by law and this occurs automatically upon civil marriage.

Inheritance:

Inheritance in Mauritius follows the 'Forced Heirship Rules', whereby both men and women have an equal right to inheritance. Widows / widowers inherit from their spouse in any circumstances, depending upon the matrimonial regime. In fact, widows and daughters, just like widowers and sons, have the right to inheritance even if there is no will, and can also receive property under a will. Further, there is no legal or customary constrain on a testator to bequeath the same share of property to widows and daughters as to widowers and sons.

Constraints to equality

Women have long suffered in silence. Nowadays, with the emergence of the nuclear family joint conjugal roles is increasingly practiced. The sensitization campaigns and a rising living standard have also helped to improve the marriage life of women.

However, patriarchal norms are still victimizing a number of women who continue to suffer in silence and consider it as a normal feature of their life.

CONCLUSION

This report has examined the 16 articles of the CEDAW in connection with the Mauritian society over the last ten years. The laws and provisions of the constitution have been analysed as per the articles. In line with the CEDAW provisions the government has taken a number of measures to eliminate the discrimination women face. However, mentalities and cultural practices cannot change overnight. Given the strong political will and firm commitment taken by the government, there is much hope for a better future for women in the Mauritian society.

Note: The reports referenced as Annex A through D will be made available to members of the Committee in the language in which they were received.